

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 480
96TH GENERAL ASSEMBLY

4472L.10C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 70.441, 136.055, 144.030, 260.392, 301.010, 302.304, 302.341, 302.700, 306.532, 390.020, 577.023, 577.041, 577.600, and 577.606, RSMo, and to enact in lieu thereof sixteen new sections relating to regulation of motor carriers and motor vehicles, with penalty provisions and a contingent effective date for certain sections.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 70.441, 136.055, 144.030, 260.392, 301.010, 302.304, 302.341, 302.700, 306.532, 390.020, 577.023, 577.041, 577.600, and 577.606, RSMo, are repealed and sixteen new sections enacted in lieu thereof, to be known as sections 70.441, 136.055, 144.030, 227.513, 260.392, 301.010, 302.304, 302.341, 302.700, 302.768, 306.532, 390.020, 577.023, 577.041, 577.600, and 577.606, to read as follows:

70.441. 1. As used in this section, the following terms have the following meanings:

(1) "Agency", the bi-state development agency created by compact under section 70.370;

(2) "Conveyance" includes bus, paratransit vehicle, rapid transit car or train, locomotive, or other vehicle used or held for use by the agency as a means of transportation of passengers;

(3) "Facilities" includes all property and equipment, including, without limitation, rights-of-way and related trackage, rails, signals, power, fuel, communication and ventilation systems, power plants, stations, terminals, signage, storage yards, depots, repair and maintenance shops, yards, offices, parking lots and other real estate or personal property used or held for or incidental to the operation, rehabilitation or improvement of any public mass transportation system of the agency;

(4) "Person", any individual, firm, copartnership, corporation, association or company;

and

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 (5) "Sound production device" includes, but is not limited to, any radio receiver,
14 phonograph, television receiver, musical instrument, tape recorder, cassette player, speaker
15 device and any sound amplifier.

16 2. In interpreting or applying this section, the following provisions shall apply:

17 (1) Any act otherwise prohibited by this section is lawful if specifically authorized by
18 agreement, permit, license or other writing duly signed by an authorized officer of the agency or
19 if performed by an officer, employee or designated agent of the agency acting within the scope
20 of his or her employment or agency;

21 (2) Rules shall apply with equal force to any person assisting, aiding or abetting another,
22 including a minor, in any of the acts prohibited by the rules or assisting, aiding or abetting
23 another in the avoidance of any of the requirements of the rules; and

24 (3) The singular shall mean and include the plural; the masculine gender shall mean the
25 feminine and the neuter genders; and vice versa.

26 3. (1) No person shall use or enter upon the light rail conveyances of the agency without
27 payment of the fare or other lawful charges established by the agency. Any person on any such
28 conveyance must have properly validated fare media in his possession. This ticket must be valid
29 to or from the station the passenger is using, and must have been used for entry for the trip then
30 being taken;

31 (2) No person shall use any token, pass, badge, ticket, document, transfer, card or fare
32 media to gain entry to the facilities or conveyances of, or make use of the services of, the agency,
33 except as provided, authorized or sold by the agency and in accordance with any restriction on
34 the use thereof imposed by the agency;

35 (3) No person shall enter upon parking lots designated by the agency as requiring
36 payment to enter, either by electronic gate or parking meters, where the cost of such parking fee
37 is visibly displayed at each location, without payment of such fees or other lawful charges
38 established by the agency;

39 (4) Except for employees of the agency acting within the scope of their employment, no
40 person shall sell, provide, copy, reproduce or produce, or create any version of any token, pass,
41 badge, ticket, document, transfer, card or any other fare media or otherwise authorize access to
42 or use of the facilities, conveyances or services of the agency without the written permission of
43 an authorized representative of the agency;

44 (5) No person shall put or attempt to put any paper, article, instrument or item, other than
45 a token, ticket, badge, coin, fare card, pass, transfer or other access authorization or other fare
46 media issued by the agency and valid for the place, time and manner in which used, into any fare
47 box, pass reader, ticket vending machine, parking meter, parking gate or other fare collection
48 instrument, receptacle, device, machine or location;

49 (6) Tokens, tickets, fare cards, badges, passes, transfers or other fare media that have
50 been forged, counterfeited, imitated, altered or improperly transferred or that have been used in
51 a manner inconsistent with this section shall be confiscated;

52 (7) No person may perform any act which would interfere with the provision of transit
53 service or obstruct the flow of traffic on facilities or conveyances or which would in any way
54 interfere or tend to interfere with the safe and efficient operation of the facilities or conveyances
55 of the agency;

56 (8) All persons on or in any facility or conveyance of the agency shall:

57 (a) Comply with all lawful orders and directives of any agency employee acting within
58 the scope of his employment;

59 (b) Obey any instructions on notices or signs duly posted on any agency facility or
60 conveyance; and

61 (c) Provide accurate, complete and true information or documents requested by agency
62 personnel acting within the scope of their employment and otherwise in accordance with law;

63 (9) No person shall falsely represent himself or herself as an agent, employee or
64 representative of the agency;

65 (10) No person on or in any facility or conveyance shall:

66 (a) Litter, dump garbage, liquids or other matter, or create a nuisance, hazard or
67 unsanitary condition, including, but not limited to, spitting and urinating, except in facilities
68 provided;

69 (b) Drink any alcoholic beverage or possess any opened or unsealed container of
70 alcoholic beverage, except on premises duly licensed for the sale of alcoholic beverages, such
71 as bars and restaurants;

72 (c) Enter or remain in any facility or conveyance while his ability to function safely in
73 the environment of the agency transit system is impaired by the consumption of alcohol or by the
74 taking of any drug;

75 (d) Loiter or stay on any facility of the agency;

76 (e) Consume foods or liquids of any kind, except in those areas specifically authorized
77 by the agency;

78 (f) Smoke or carry an open flame or lighted match, cigar, cigarette, pipe or torch, except
79 in those areas or locations specifically authorized by the agency; or

80 (g) Throw or cause to be propelled any stone, projectile or other article at, from, upon
81 or in a facility or conveyance;

82 (11) No weapon or other instrument intended for use as a weapon may be carried in or
83 on any facility or conveyance, except for law enforcement personnel. For the purposes hereof,
84 a weapon shall include, but not be limited to, a firearm, switchblade knife, sword, or any

85 instrument of any kind known as blackjack, billy club, club, sandbag, metal knuckles, leather
86 bands studded with metal, wood impregnated with metal filings or razor blades; except that this
87 subdivision shall not apply to a rifle or shotgun which is unloaded and carried in any enclosed
88 case, box or other container which completely conceals the item from view and identification as
89 a weapon;

90 (12) No explosives, flammable liquids, acids, fireworks or other highly combustible
91 materials or radioactive materials may be carried on or in any facility or conveyance, except as
92 authorized by the agency;

93 (13) No person, except as specifically authorized by the agency, shall enter or attempt
94 to enter into any area not open to the public, including, but not limited to, motorman's cabs,
95 conductor's cabs, bus operator's seat location, closed-off areas, mechanical or equipment rooms,
96 concession stands, storage areas, interior rooms, tracks, roadbeds, tunnels, plants, shops, barns,
97 train yards, garages, depots or any area marked with a sign restricting access or indicating a
98 dangerous environment;

99 (14) No person may ride on the roof, the platform between rapid transit cars, or on any
100 other area outside any rapid transit car or bus or other conveyance operated by the agency;

101 (15) No person shall extend his hand, arm, leg, head or other part of his or her person
102 or extend any item, article or other substance outside of the window or door of a moving rapid
103 transit car, bus or other conveyance operated by the agency;

104 (16) No person shall enter or leave a rapid transit car, bus or other conveyance operated
105 by the agency except through the entrances and exits provided for that purpose;

106 (17) No animals may be taken on or into any conveyance or facility except the following:

107 (a) An animal enclosed in a container, accompanied by the passenger and carried in a
108 manner which does not annoy other passengers; and

109 (b) Working dogs for law enforcement agencies, agency dogs on duty, dogs properly
110 harnessed and accompanying blind or hearing-impaired persons to aid such persons, or dogs
111 accompanying trainers carrying a certificate of identification issued by a dog school;

112 (18) No vehicle shall be operated carelessly, or negligently, or in disregard of the rights
113 or safety of others or without due caution and circumspection, or at a speed in such a manner as
114 to be likely to endanger persons or property on facilities of the agency. The speed limit on
115 parking lots and access roads shall be posted as fifteen miles per hour unless otherwise
116 designated.

117 4. (1) Unless a greater penalty is otherwise provided by the laws of the state, any
118 violation of this section shall constitute a misdemeanor, and any person committing a violation
119 thereof shall be subject to arrest and, upon conviction in a court of competent jurisdiction, shall
120 pay a fine in an amount not less than twenty-five dollars and no greater than two hundred fifty

121 dollars per violation, in addition to court costs. Any default in the payment of a fine imposed
122 pursuant to this section without good cause shall result in imprisonment for not more than thirty
123 days;

124 (2) Unless a greater penalty is provided by the laws of the state, any person convicted
125 a second or subsequent time for the same offense under this section shall be guilty of a
126 misdemeanor and sentenced to pay a fine of not less than fifty dollars nor more than five hundred
127 dollars in addition to court costs, or to undergo imprisonment for up to sixty days, or both such
128 fine and imprisonment;

129 (3) Any person failing to pay the proper fare, fee or other charge for use of the facilities
130 and conveyances of the agency shall be subject to payment of such charge as part of the judgment
131 against the violator. All proceeds from judgments for unpaid fares or charges shall be directed
132 to the appropriate agency official;

133 (4) All juvenile offenders violating the provisions of this section shall be subject to the
134 jurisdiction of the juvenile court as provided in chapter 211;

135 (5) As used in this section, the term "conviction" shall include all pleas of guilty and
136 findings of guilt.

137 **5. Any person who is convicted, pleads guilty, or pleads nolo contendere for failing**
138 **to pay the proper fare, fee, or other charge for the use of the facilities and conveyances of**
139 **the bi-state development agency, as described in subdivision (3) of subsection 4 of this**
140 **section, shall, in addition to the unpaid fares or charges and any fines, penalties, or**
141 **sentences imposed by law, shall be required to reimburse costs attributable to the**
142 **enforcement, investigation, and prosecution of such offense by the bi-state development**
143 **agency. The court shall direct the reimbursement proceeds to the appropriate agency**
144 **official.**

145 **6. (1) Stalled or disabled vehicles may be removed from the roadways of the agency**
146 **property by the agency and parked or stored elsewhere at the risk and expense of the owner;**

147 (2) Motor vehicles which are left unattended or abandoned on the property of the agency
148 for a period of over seventy-two hours may be removed as provided for in section 304.155,
149 except that the removal may be authorized by personnel designated by the agency under section
150 70.378.

136.055. 1. Any person who is selected or appointed by the state director of revenue as
2 provided in subsection 2 of this section to act as an agent of the department of revenue, whose
3 duties shall be the processing of motor vehicle title and registration transactions and the
4 collection of sales and use taxes when required under sections 144.070 and 144.440, and who
5 receives no salary from the department of revenue, shall be authorized to collect from the party

6 requiring such services additional fees as compensation in full and for all services rendered on
7 the following basis:

8 (1) For each motor vehicle or trailer registration issued, renewed or transferred--three
9 dollars and fifty cents and seven dollars for those licenses sold or biennially renewed pursuant
10 to section 301.147;

11 (2) For each application or transfer of title--~~[two dollars and fifty cents]~~ **five dollars**;

12 (3) For each instruction permit, nondriver license, chauffeur's, operator's or driver's
13 license issued for a period of three years or less--two dollars and fifty cents and five dollars for
14 licenses or instruction permits issued or renewed for a period exceeding three years;

15 (4) For each notice of lien processed--two dollars and fifty cents;

16 (5) No notary fee or other fee or additional charge shall be paid or collected except for
17 electronic telephone transmission reception--two dollars.

18 2. The director of revenue shall award fee office contracts under this section through a
19 competitive bidding process. The competitive bidding process shall give priority to
20 organizations and entities that are exempt from taxation under Section 501(c)(3) or 501(c)(6) of
21 the Internal Revenue Code of 1986, as amended, and political subdivisions, including but not
22 limited to, municipalities, counties, and fire protection districts. The director of the department
23 of revenue may promulgate rules and regulations necessary to carry out the provisions of this
24 subsection. Any rule or portion of a rule, as that term is defined in section 536.010, that is
25 created under the authority delegated in this subsection shall become effective only if it complies
26 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
27 This section and chapter 536 are nonseverable and if any of the powers vested with the general
28 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
29 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
30 any rule proposed or adopted after August 28, 2009, shall be invalid and void.

31 3. All fees collected by a tax-exempt organization may be retained and used by the
32 organization.

33 4. All fees charged shall not exceed those in this section. The fees imposed by this
34 section shall be collected by all permanent offices and all full-time or temporary offices
35 maintained by the department of revenue.

36 5. Any person acting as agent of the department of revenue for the sale and issuance of
37 registrations, licenses, and other documents related to motor vehicles shall have an insurable
38 interest in all license plates, licenses, tabs, forms and other documents held on behalf of the
39 department.

40 6. The fees authorized by this section shall not be collected by motor vehicle dealers
41 acting as agents of the department of revenue under section 32.095 or those motor vehicle dealers
42 authorized to collect and remit sales tax under subsection 8 of section 144.070.

43 7. Notwithstanding any other provision of law to the contrary, the state auditor may audit
44 all records maintained and established by the fee office in the same manner as the auditor may
45 audit any agency of the state, and the department shall ensure that this audit requirement is a
46 necessary condition for the award of all fee office contracts. No confidential records shall be
47 divulged in such a way to reveal personally identifiable information.

 144.030. 1. There is hereby specifically exempted from the provisions of sections
2 144.010 to 144.525 and from the computation of the tax levied, assessed or payable pursuant to
3 sections 144.010 to 144.525 such retail sales as may be made in commerce between this state and
4 any other state of the United States, or between this state and any foreign country, and any retail
5 sale which the state of Missouri is prohibited from taxing pursuant to the Constitution or laws
6 of the United States of America, and such retail sales of tangible personal property which the
7 general assembly of the state of Missouri is prohibited from taxing or further taxing by the
8 constitution of this state.

9 2. There are also specifically exempted from the provisions of the local sales tax law as
10 defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to
11 144.761 and from the computation of the tax levied, assessed or payable pursuant to the local
12 sales tax law as defined in section 32.085, section 238.235, and sections 144.010 to 144.525 and
13 144.600 to 144.745:

14 (1) Motor fuel or special fuel subject to an excise tax of this state, unless all or part of
15 such excise tax is refunded pursuant to section 142.824; or upon the sale at retail of fuel to be
16 consumed in manufacturing or creating gas, power, steam, electrical current or in furnishing
17 water to be sold ultimately at retail; or feed for livestock or poultry; or grain to be converted into
18 foodstuffs which are to be sold ultimately in processed form at retail; or seed, limestone or
19 fertilizer which is to be used for seeding, liming or fertilizing crops which when harvested will
20 be sold at retail or will be fed to livestock or poultry to be sold ultimately in processed form at
21 retail; economic poisons registered pursuant to the provisions of the Missouri pesticide
22 registration law (sections 281.220 to 281.310) which are to be used in connection with the
23 growth or production of crops, fruit trees or orchards applied before, during, or after planting,
24 the crop of which when harvested will be sold at retail or will be converted into foodstuffs which
25 are to be sold ultimately in processed form at retail;

26 (2) Materials, manufactured goods, machinery and parts which when used in
27 manufacturing, processing, compounding, mining, producing or fabricating become a component
28 part or ingredient of the new personal property resulting from such manufacturing, processing,

29 compounding, mining, producing or fabricating and which new personal property is intended to
30 be sold ultimately for final use or consumption; and materials, including without limitation,
31 gases and manufactured goods, including without limitation slagging materials and firebrick,
32 which are ultimately consumed in the manufacturing process by blending, reacting or interacting
33 with or by becoming, in whole or in part, component parts or ingredients of steel products
34 intended to be sold ultimately for final use or consumption;

35 (3) Materials, replacement parts and equipment purchased for use directly upon, and for
36 the repair and maintenance or manufacture of, [motor vehicles,] watercraft, railroad rolling stock
37 or aircraft engaged as common carriers of persons or property;

38 (4) **Motor vehicles registered in excess of fifty-four thousand pounds, and the**
39 **trailers pulled by such motor vehicles, that are actually used in the normal course of**
40 **business to haul property on the public highways of the state, and that are capable of**
41 **hauling loads commensurate with the motor vehicle's registered weight; and the materials,**
42 **replacement parts, and equipment purchased for use directly upon, and for the repair and**
43 **maintenance or manufacture of such vehicles. For purposes of this subsection "motor**
44 **vehicle" and "public highway" shall have the meaning as ascribed in section 390.020;**

45 (5) Replacement machinery, equipment, and parts and the materials and supplies solely
46 required for the installation or construction of such replacement machinery, equipment, and
47 parts, used directly in manufacturing, mining, fabricating or producing a product which is
48 intended to be sold ultimately for final use or consumption; and machinery and equipment, and
49 the materials and supplies required solely for the operation, installation or construction of such
50 machinery and equipment, purchased and used to establish new, or to replace or expand existing,
51 material recovery processing plants in this state. For the purposes of this subdivision, a "material
52 recovery processing plant" means a facility that has as its primary purpose the recovery of
53 materials into a useable product or a different form which is used in producing a new product and
54 shall include a facility or equipment which are used exclusively for the collection of recovered
55 materials for delivery to a material recovery processing plant but shall not include motor vehicles
56 used on highways. For purposes of this section, the terms motor vehicle and highway shall have
57 the same meaning pursuant to section 301.010. Material recovery is not the reuse of materials
58 within a manufacturing process or the use of a product previously recovered. The material
59 recovery processing plant shall qualify under the provisions of this section regardless of
60 ownership of the material being recovered;

61 [(5)] (6) Machinery and equipment, and parts and the materials and supplies solely
62 required for the installation or construction of such machinery and equipment, purchased and
63 used to establish new or to expand existing manufacturing, mining or fabricating plants in the

64 state if such machinery and equipment is used directly in manufacturing, mining or fabricating
65 a product which is intended to be sold ultimately for final use or consumption;

66 [(6)] (7) Tangible personal property which is used exclusively in the manufacturing,
67 processing, modification or assembling of products sold to the United States government or to
68 any agency of the United States government;

69 [(7)] (8) Animals or poultry used for breeding or feeding purposes, or captive wildlife;

70 [(8)] (9) Newsprint, ink, computers, photosensitive paper and film, toner, printing plates
71 and other machinery, equipment, replacement parts and supplies used in producing newspapers
72 published for dissemination of news to the general public;

73 [(9)] (10) The rentals of films, records or any type of sound or picture transcriptions for
74 public commercial display;

75 [(10)] (11) Pumping machinery and equipment used to propel products delivered by
76 pipelines engaged as common carriers;

77 [(11)] (12) Railroad rolling stock for use in transporting persons or property in interstate
78 commerce and motor vehicles licensed for a gross weight of twenty-four thousand pounds or
79 more or trailers used by common carriers, as defined in section 390.020, in the transportation of
80 persons or property;

81 [(12)] (13) Electrical energy used in the actual primary manufacture, processing,
82 compounding, mining or producing of a product, or electrical energy used in the actual secondary
83 processing or fabricating of the product, or a material recovery processing plant as defined in
84 subdivision (4) of this subsection, in facilities owned or leased by the taxpayer, if the total cost
85 of electrical energy so used exceeds ten percent of the total cost of production, either primary or
86 secondary, exclusive of the cost of electrical energy so used or if the raw materials used in such
87 processing contain at least twenty-five percent recovered materials as defined in section 260.200.
88 There shall be a rebuttable presumption that the raw materials used in the primary manufacture
89 of automobiles contain at least twenty-five percent recovered materials. For purposes of this
90 subdivision, "processing" means any mode of treatment, act or series of acts performed upon
91 materials to transform and reduce them to a different state or thing, including treatment necessary
92 to maintain or preserve such processing by the producer at the production facility;

93 [(13)] (14) Anodes which are used or consumed in manufacturing, processing,
94 compounding, mining, producing or fabricating and which have a useful life of less than one
95 year;

96 [(14)] (15) Machinery, equipment, appliances and devices purchased or leased and used
97 solely for the purpose of preventing, abating or monitoring air pollution, and materials and
98 supplies solely required for the installation, construction or reconstruction of such machinery,
99 equipment, appliances and devices;

100 [(15)] **(16)** Machinery, equipment, appliances and devices purchased or leased and used
101 solely for the purpose of preventing, abating or monitoring water pollution, and materials and
102 supplies solely required for the installation, construction or reconstruction of such machinery,
103 equipment, appliances and devices;

104 [(16)] **(17)** Tangible personal property purchased by a rural water district;

105 [(17)] **(18)** All amounts paid or charged for admission or participation or other fees paid
106 by or other charges to individuals in or for any place of amusement, entertainment or recreation,
107 games or athletic events, including museums, fairs, zoos and planetariums, owned or operated
108 by a municipality or other political subdivision where all the proceeds derived therefrom benefit
109 the municipality or other political subdivision and do not inure to any private person, firm, or
110 corporation;

111 [(18)] **(19)** All sales of insulin and prosthetic or orthopedic devices as defined on January
112 1, 1980, by the federal Medicare program pursuant to Title XVIII of the Social Security Act of
113 1965, including the items specified in Section 1862(a)(12) of that act, and also specifically
114 including hearing aids and hearing aid supplies and all sales of drugs which may be legally
115 dispensed by a licensed pharmacist only upon a lawful prescription of a practitioner licensed to
116 administer those items, including samples and materials used to manufacture samples which may
117 be dispensed by a practitioner authorized to dispense such samples and all sales or rental of
118 medical oxygen, home respiratory equipment and accessories, hospital beds and accessories and
119 ambulatory aids, all sales or rental of manual and powered wheelchairs, stairway lifts, Braille
120 writers, electronic Braille equipment and, if purchased or rented by or on behalf of a person with
121 one or more physical or mental disabilities to enable them to function more independently, all
122 sales or rental of scooters, reading machines, electronic print enlargers and magnifiers, electronic
123 alternative and augmentative communication devices, and items used solely to modify motor
124 vehicles to permit the use of such motor vehicles by individuals with disabilities or sales of
125 over-the-counter or nonprescription drugs to individuals with disabilities, and drugs required by
126 the Food and Drug Administration to meet the over-the-counter drug product labeling
127 requirements in 21 CFR 201.66, or its successor, as prescribed by a health care practitioner
128 licensed to prescribe;

129 [(19)] **(20)** All sales made by or to religious and charitable organizations and institutions
130 in their religious, charitable or educational functions and activities and all sales made by or to
131 all elementary and secondary schools operated at public expense in their educational functions
132 and activities;

133 [(20)] **(21)** All sales of aircraft to common carriers for storage or for use in interstate
134 commerce and all sales made by or to not-for-profit civic, social, service or fraternal
135 organizations, including fraternal organizations which have been declared tax-exempt

136 organizations pursuant to Section 501(c)(8) or (10) of the 1986 Internal Revenue Code, as
137 amended, in their civic or charitable functions and activities and all sales made to eleemosynary
138 and penal institutions and industries of the state, and all sales made to any private not-for-profit
139 institution of higher education not otherwise excluded pursuant to subdivision (19) of this
140 subsection or any institution of higher education supported by public funds, and all sales made
141 to a state relief agency in the exercise of relief functions and activities;

142 [(21)] **(22)** All ticket sales made by benevolent, scientific and educational associations
143 which are formed to foster, encourage, and promote progress and improvement in the science of
144 agriculture and in the raising and breeding of animals, and by nonprofit summer theater
145 organizations if such organizations are exempt from federal tax pursuant to the provisions of the
146 Internal Revenue Code and all admission charges and entry fees to the Missouri state fair or any
147 fair conducted by a county agricultural and mechanical society organized and operated pursuant
148 to sections 262.290 to 262.530;

149 [(22)] **(23)** All sales made to any private not-for-profit elementary or secondary school,
150 all sales of feed additives, medications or vaccines administered to livestock or poultry in the
151 production of food or fiber, all sales of pesticides used in the production of crops, livestock or
152 poultry for food or fiber, all sales of bedding used in the production of livestock or poultry for
153 food or fiber, all sales of propane or natural gas, electricity or diesel fuel used exclusively for
154 drying agricultural crops, natural gas used in the primary manufacture or processing of fuel
155 ethanol as defined in section 142.028, natural gas, propane, and electricity used by an eligible
156 new generation cooperative or an eligible new generation processing entity as defined in section
157 348.432, and all sales of farm machinery and equipment, other than airplanes, motor vehicles and
158 trailers, and any freight charges on any exempt item. As used in this subdivision, the term "feed
159 additives" means tangible personal property which, when mixed with feed for livestock or
160 poultry, is to be used in the feeding of livestock or poultry. As used in this subdivision, the term
161 "pesticides" includes adjuvants such as crop oils, surfactants, wetting agents and other assorted
162 pesticide carriers used to improve or enhance the effect of a pesticide and the foam used to mark
163 the application of pesticides and herbicides for the production of crops, livestock or poultry. As
164 used in this subdivision, the term "farm machinery and equipment" means new or used farm
165 tractors and such other new or used farm machinery and equipment and repair or replacement
166 parts thereon and any accessories for and upgrades to such farm machinery and equipment, rotary
167 mowers used exclusively for agricultural purposes, and supplies and lubricants used exclusively,
168 solely, and directly for producing crops, raising and feeding livestock, fish, poultry, pheasants,
169 chukar, quail, or for producing milk for ultimate sale at retail, including field drain tile, and
170 one-half of each purchaser's purchase of diesel fuel therefor which is:

171 (a) Used exclusively for agricultural purposes;

172 (b) Used on land owned or leased for the purpose of producing farm products; and

173 (c) Used directly in producing farm products to be sold ultimately in processed form or
174 otherwise at retail or in producing farm products to be fed to livestock or poultry to be sold
175 ultimately in processed form at retail;

176 [(23)] **(24)** Except as otherwise provided in section 144.032, all sales of metered water
177 service, electricity, electrical current, natural, artificial or propane gas, wood, coal or home
178 heating oil for domestic use and in any city not within a county, all sales of metered or unmetered
179 water service for domestic use:

180 (a) "Domestic use" means that portion of metered water service, electricity, electrical
181 current, natural, artificial or propane gas, wood, coal or home heating oil, and in any city not
182 within a county, metered or unmetered water service, which an individual occupant of a
183 residential premises uses for nonbusiness, noncommercial or nonindustrial purposes. Utility
184 service through a single or master meter for residential apartments or condominiums, including
185 service for common areas and facilities and vacant units, shall be deemed to be for domestic use.
186 Each seller shall establish and maintain a system whereby individual purchases are determined
187 as exempt or nonexempt;

188 (b) Regulated utility sellers shall determine whether individual purchases are exempt or
189 nonexempt based upon the seller's utility service rate classifications as contained in tariffs on file
190 with and approved by the Missouri public service commission. Sales and purchases made
191 pursuant to the rate classification "residential" and sales to and purchases made by or on behalf
192 of the occupants of residential apartments or condominiums through a single or master meter,
193 including service for common areas and facilities and vacant units, shall be considered as sales
194 made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales
195 tax upon the entire amount of purchases classified as nondomestic use. The seller's utility
196 service rate classification and the provision of service thereunder shall be conclusive as to
197 whether or not the utility must charge sales tax;

198 (c) Each person making domestic use purchases of services or property and who uses any
199 portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day
200 of the fourth month following the year of purchase, and without assessment, notice or demand,
201 file a return and pay sales tax on that portion of nondomestic purchases. Each person making
202 nondomestic purchases of services or property and who uses any portion of the services or
203 property so purchased for domestic use, and each person making domestic purchases on behalf
204 of occupants of residential apartments or condominiums through a single or master meter,
205 including service for common areas and facilities and vacant units, under a nonresidential utility
206 service rate classification may, between the first day of the first month and the fifteenth day of
207 the fourth month following the year of purchase, apply for credit or refund to the director of

208 revenue and the director shall give credit or make refund for taxes paid on the domestic use
209 portion of the purchase. The person making such purchases on behalf of occupants of residential
210 apartments or condominiums shall have standing to apply to the director of revenue for such
211 credit or refund;

212 [(24)] (25) All sales of handicraft items made by the seller or the seller's spouse if the
213 seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from
214 such sales do not constitute a majority of the annual gross income of the seller;

215 [(25)] (26) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061,
216 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The
217 director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local
218 sales taxes on such excise taxes;

219 [(26)] (27) Sales of fuel consumed or used in the operation of ships, barges, or
220 waterborne vessels which are used primarily in or for the transportation of property or cargo, or
221 the conveyance of persons for hire, on navigable rivers bordering on or located in part in this
222 state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel
223 while it is afloat upon such river;

224 [(27)] (28) All sales made to an interstate compact agency created pursuant to sections
225 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the functions and activities
226 of such agency as provided pursuant to the compact;

227 [(28)] (29) Computers, computer software and computer security systems purchased for
228 use by architectural or engineering firms headquartered in this state. For the purposes of this
229 subdivision, "headquartered in this state" means the office for the administrative management
230 of at least four integrated facilities operated by the taxpayer is located in the state of Missouri;

231 [(29)] (30) All livestock sales when either the seller is engaged in the growing, producing
232 or feeding of such livestock, or the seller is engaged in the business of buying and selling,
233 bartering or leasing of such livestock;

234 [(30)] (31) All sales of barges which are to be used primarily in the transportation of
235 property or cargo on interstate waterways;

236 [(31)] (32) Electrical energy or gas, whether natural, artificial or propane, water, or other
237 utilities which are ultimately consumed in connection with the manufacturing of cellular glass
238 products or in any material recovery processing plant as defined in subdivision (4) of this
239 subsection;

240 [(32)] (33) Notwithstanding other provisions of law to the contrary, all sales of pesticides
241 or herbicides used in the production of crops, aquaculture, livestock or poultry;

242 [(33)] **(34)** Tangible personal property and utilities purchased for use or consumption
243 directly or exclusively in the research and development of agricultural/biotechnology and plant
244 genomics products and prescription pharmaceuticals consumed by humans or animals;

245 [(34)] **(35)** All sales of grain bins for storage of grain for resale;

246 [(35)] **(36)** All sales of feed which are developed for and used in the feeding of pets
247 owned by a commercial breeder when such sales are made to a commercial breeder, as defined
248 in section 273.325, and licensed pursuant to sections 273.325 to 273.357;

249 [(36)] **(37)** All purchases by a contractor on behalf of an entity located in another state,
250 provided that the entity is authorized to issue a certificate of exemption for purchases to a
251 contractor under the provisions of that state's laws. For purposes of this subdivision, the term
252 "certificate of exemption" shall mean any document evidencing that the entity is exempt from
253 sales and use taxes on purchases pursuant to the laws of the state in which the entity is located.
254 Any contractor making purchases on behalf of such entity shall maintain a copy of the entity's
255 exemption certificate as evidence of the exemption. If the exemption certificate issued by the
256 exempt entity to the contractor is later determined by the director of revenue to be invalid for any
257 reason and the contractor has accepted the certificate in good faith, neither the contractor or the
258 exempt entity shall be liable for the payment of any taxes, interest and penalty due as the result
259 of use of the invalid exemption certificate. Materials shall be exempt from all state and local
260 sales and use taxes when purchased by a contractor for the purpose of fabricating tangible
261 personal property which is used in fulfilling a contract for the purpose of constructing, repairing
262 or remodeling facilities for the following:

263 (a) An exempt entity located in this state, if the entity is one of those entities able to issue
264 project exemption certificates in accordance with the provisions of section 144.062; or

265 (b) An exempt entity located outside the state if the exempt entity is authorized to issue
266 an exemption certificate to contractors in accordance with the provisions of that state's law and
267 the applicable provisions of this section;

268 [(37)] **(38)** All sales or other transfers of tangible personal property to a lessor who leases
269 the property under a lease of one year or longer executed or in effect at the time of the sale or
270 other transfer to an interstate compact agency created pursuant to sections 70.370 to 70.441 or
271 sections 238.010 to 238.100;

272 [(38)] **(39)** Sales of tickets to any collegiate athletic championship event that is held in
273 a facility owned or operated by a governmental authority or commission, a quasi-governmental
274 agency, a state university or college or by the state or any political subdivision thereof, including
275 a municipality, and that is played on a neutral site and may reasonably be played at a site located
276 outside the state of Missouri. For purposes of this subdivision, "neutral site" means any site that
277 is not located on the campus of a conference member institution participating in the event;

278 [(39)] (40) All purchases by a sports complex authority created under section 64.920, and
279 all sales of utilities by such authority at the authority's cost that are consumed in connection with
280 the operation of a sports complex leased to a professional sports team;

281 [(40)] (41) Beginning January 1, 2009, but not after January 1, 2015, materials,
282 replacement parts, and equipment purchased for use directly upon, and for the modification,
283 replacement, repair, and maintenance of aircraft, aircraft power plants, and aircraft accessories;

284 [(41)] (42) Sales of sporting clays, wobble, skeet, and trap targets to any shooting range
285 or similar places of business for use in the normal course of business and money received by a
286 shooting range or similar places of business from patrons and held by a shooting range or similar
287 place of business for redistribution to patrons at the conclusion of a shooting event.

**227.513. The portion of Interstate 70 from the Kansas/Missouri state line east to the
2 Missouri/Illinois state line, and the portion of Interstate 44 within the state of Missouri to
3 the Missouri/Oklahoma state line, shall be designated the "Purple Heart Trail". Costs for
4 such designation shall be paid by private donations.**

260.392. 1. As used in sections 260.392 to 260.399, the following terms mean:

2 (1) "Cask", all the components and systems associated with the container in which spent
3 fuel, high-level radioactive waste, highway route controlled quantity, or transuranic radioactive
4 waste are stored;

5 (2) "High-level radioactive waste", the highly radioactive material resulting from the
6 reprocessing of spent nuclear fuel including liquid waste produced directly in reprocessing and
7 any solid material derived from such liquid waste that contains fission products in sufficient
8 concentrations, and other highly radioactive material that the United States Nuclear Regulatory
9 Commission has determined to be high-level radioactive waste requiring permanent isolation;

10 (3) "Highway route controlled quantity", as defined in 49 CFR Part 173.403, as amended,
11 a quantity of radioactive material within a single package. Highway route controlled quantity
12 shipments [of thirty miles or less within the state] are exempt from the provisions of this section;

13 (4) "Low-level radioactive waste", any radioactive waste not classified as high-level
14 radioactive waste, transuranic radioactive waste, or spent nuclear fuel by the United States
15 Nuclear Regulatory Commission, consistent with existing law. Shipment of all sealed sources
16 meeting the definition of low-level radioactive waste, shipments of low-level radioactive waste
17 that are within a radius of no more than fifty miles from the point of origin, and all naturally
18 occurring radioactive material given written approval for landfill disposal by the Missouri
19 department of natural resources under 10 CSR 80-3.010 are exempt from the provisions of this
20 section. Any low-level radioactive waste that has a radioactive half-life equal to or less than one
21 hundred twenty days is exempt from the provisions of this section;

22 (5) "Shipper", the generator, owner, or company contracting for transportation by truck
23 or rail of the spent fuel, high-level radioactive waste, highway route controlled quantity
24 shipments, transuranic radioactive waste, or low-level radioactive waste;

25 (6) "Spent nuclear fuel", fuel that has been withdrawn from a nuclear reactor following
26 irradiation, the constituent elements of which have not been separated by reprocessing;

27 (7) "State-funded institutions of higher education", any campus of any university within
28 the state of Missouri that receives state funding and has a nuclear research reactor;

29 (8) "Transuranic radioactive waste", defined in 40 CFR Part 191.02, as amended, as
30 waste containing more than one hundred nanocuries of alpha-emitting transuranic isotopes with
31 half-lives greater than twenty years, per gram of waste. For the purposes of this section,
32 transuranic waste shall not include:

33 (a) High-level radioactive wastes;

34 (b) Any waste determined by the Environmental Protection Agency with the concurrence
35 of the Environmental Protection Agency administrator that does not need the degree of isolation
36 required by this section; or

37 (c) Any waste that the United States Nuclear Regulatory Commission has approved for
38 disposal on a case-by-case basis in accordance with 10 CFR Part 61, as amended.

39 2. Any shipper that ships high-level radioactive waste, transuranic radioactive waste,
40 [highway route controlled quantity shipments,] spent nuclear fuel, or low-level radioactive waste
41 through or within the state shall be subject to the fees established in this subsection, provided
42 that no state-funded institution of higher education that ships nuclear waste shall pay any such
43 fee. These higher education institutions shall reimburse the Missouri state highway patrol
44 directly for all costs related to shipment escorts. The fees for all other shipments shall be:

45 (1) One thousand eight hundred dollars for each cask transported through or within the
46 state by truck of high-level radioactive waste, transuranic radioactive waste[,] **or** spent nuclear
47 fuel [or highway route controlled quantity] shipments. All casks of high-level radioactive waste,
48 transuranic radioactive waste[,] **or** spent nuclear fuel[, or highway route controlled quantity]
49 shipments transported by truck are subject to a surcharge of twenty-five dollars per mile for every
50 mile over two hundred miles traveled within the state;

51 (2) One thousand three hundred dollars for the first cask and one hundred twenty-five
52 dollars for each additional cask for each rail shipment through or within the state of high-level
53 radioactive waste, transuranic radioactive waste, or spent nuclear fuel;

54 (3) One hundred twenty-five dollars for each truck or train transporting low-level
55 radioactive waste through or within the state. The department of natural resources may accept
56 an annual shipment fee as negotiated with a shipper or accept payment per shipment.

57 3. All revenue generated from the fees established in subsection 2 of this section shall
58 be deposited into the environmental radiation monitoring fund established in section 260.750 and
59 shall be used by the department of natural resources to achieve the following objectives and for
60 purposes related to the shipment of high-level radioactive waste, transuranic radioactive waste,
61 highway route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste,
62 including, but not limited to:

63 (1) Inspections, escorts, and security for waste shipment and planning;

64 (2) Coordination of emergency response capability;

65 (3) Education and training of state, county, and local emergency responders;

66 (4) Purchase and maintenance of necessary equipment and supplies for state, county, and
67 local emergency responders through grants or other funding mechanisms;

68 (5) Emergency responses to any transportation incident involving the high-level
69 radioactive waste, transuranic radioactive waste, highway route controlled quantity shipments,
70 spent nuclear fuel, or low-level radioactive waste;

71 (6) Oversight of any environmental remediation necessary resulting from an incident
72 involving a shipment of high-level radioactive waste, transuranic radioactive waste, highway
73 route controlled quantity shipments, spent nuclear fuel, or low-level radioactive waste.
74 Reimbursement for oversight of any such incident shall not reduce or eliminate the liability of
75 any party responsible for the incident; such party may be liable for full reimbursement to the state
76 or payment of any other costs associated with the cleanup of contamination related to a
77 transportation incident;

78 (7) Administrative costs attributable to the state agencies which are incurred through
79 their involvement as it relates to the shipment of high-level radioactive waste, transuranic
80 radioactive waste, highway route controlled quantity shipments, spent nuclear fuel, or low-level
81 radioactive waste through or within the state.

82 4. Nothing in this section shall preclude any other state agency from receiving
83 reimbursement from the department of natural resources and the environmental radiation
84 monitoring fund for services rendered that achieve the objectives and comply with the provisions
85 of this section.

86 5. Any unencumbered balance in the environmental radiation monitoring fund that
87 exceeds three hundred thousand dollars in any given fiscal year shall be returned to shippers on
88 a pro rata basis, based on the shipper's contribution into the environmental radiation monitoring
89 fund for that fiscal year.

90 6. The department of natural resources, in coordination with the department of health and
91 senior services and the department of public safety, may promulgate rules necessary to carry out
92 the provisions of this section. Any rule or portion of a rule, as that term is defined in section

93 536.010, that is created under the authority delegated in this section shall become effective only
94 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
95 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
96 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
97 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
98 and any rule proposed or adopted after August 28, 2009, shall be invalid and void.

99 7. All funds deposited in the environmental radiation monitoring fund through fees
100 established in subsection 2 of this section shall be utilized, subject to appropriation by the
101 general assembly, for the administration and enforcement of this section by the department of
102 natural resources. All interest earned by the moneys in the fund shall accrue to the fund.

103 8. All fees shall be paid to the department of natural resources [prior to] **following**
104 shipment.

105 9. (1) Notice of any shipment of high-level radioactive waste, transuranic radioactive
106 waste, highway route controlled quantity shipments, or spent nuclear fuel through or within the
107 state shall be provided by the shipper to the governor's designee for advanced notification, as
108 described in 10 CFR Parts 71 and 73, as amended, prior to such shipment entering the state.
109 Notice of any shipment of low-level radioactive waste through or within the state shall be
110 provided by the shipper to the Missouri department of natural resources before such shipment
111 enters the state.

112 (2) **All vehicles and carriers transporting highway route controlled quantities of**
113 **radioactive material are regulated by the United States Department of Transportation and**
114 **required to pass the North American Standard Level VI Inspection for Transuranic Waste**
115 **and Highway Route Controlled Quantities of Radioactive Material at the point of origin.**
116 **If a highway route controlled quantity shipment of a material has been the subject of a**
117 **point of origin level VI inspection and has passed the inspection, the shipment shall not**
118 **otherwise be subject to an additional inspection unless such inspection is determined to be**
119 **necessary at the discretion of state safety resources. If escort services are provided by state**
120 **resources, the Missouri state highway patrol shall establish procedures and fees to provide**
121 **for the reimbursement of escort services only. The fees may include an annual payment**
122 **not exceeding two thousand dollars, and per-trip fee of five hundred dollars. The**
123 **procedures shall require the payment of the per-trip fee only after the escort has been**
124 **completed. All revenue generated from the fees established in this section shall be**
125 **deposited into the environmental radiation monitoring fund established in section 260.750**
126 **and shall be used by the department of natural resources for purposes related to the**
127 **shipment of radioactive materials.**

128 10. Any shipper who fails to pay a fee assessed under this section, or fails to provide
129 notice of a shipment, shall be liable in a civil action for an amount not to exceed ten times the
130 amount assessed and not paid. The action shall be brought by the attorney general at the request
131 of the department of natural resources. If the action involves a facility domiciled in the state, the
132 action shall be brought in the circuit court of the county in which the facility is located. If the
133 action does not involve a facility domiciled in the state, the action shall be brought in the circuit
134 court of Cole County.

135 11. Beginning on December 31, 2009, and every two years thereafter, the department of
136 natural resources shall prepare and submit a report on activities of the environmental radiation
137 monitoring fund to the general assembly. This report shall include information on fee income
138 received and expenditures made by the state to enforce and administer the provisions of this
139 section.

140 12. The provisions of this section shall not apply to high-level radioactive waste,
141 transuranic radioactive waste, highway route controlled quantity shipments, spent nuclear fuel,
142 or low-level radioactive waste shipped by or for the federal government for military or national
143 defense purposes.

144 13. Under section 23.253 of the Missouri sunset act:

145 (1) The provisions of the new program authorized under this section shall automatically
146 sunset six years after August 28, 2009, unless reauthorized by an act of the general assembly; and

147 (2) If such program is reauthorized, the program authorized under this section shall
148 automatically sunset twelve years after the effective date of the reauthorization of this section;
149 and

150 (3) This section shall terminate on September first of the calendar year immediately
151 following the calendar year in which the program authorized under this section is sunset.

 301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260,
2 and sections 307.010 to 307.175, the following terms mean:

3 (1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for
4 off-highway use which is fifty inches or less in width, with an unladen dry weight of one
5 thousand five hundred pounds or less, traveling on three, four or more nonhighway tires, with
6 a seat designed to be straddled by the operator, or with a seat designed to carry more than one
7 person, and handlebars for steering control;

8 (2) "Automobile transporter", any vehicle combination designed and used specifically
9 for the transport of assembled motor vehicles;

10 (3) "Axle load", the total load transmitted to the road by all wheels whose centers are
11 included between two parallel transverse vertical planes forty inches apart, extending across the
12 full width of the vehicle;

- 13 (4) "Boat transporter", any vehicle combination designed and used specifically to
14 transport assembled boats and boat hulls;
- 15 (5) "Body shop", a business that repairs physical damage on motor vehicles that are not
16 owned by the shop or its officers or employees by mending, straightening, replacing body parts,
17 or painting;
- 18 (6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more
19 passengers but not including shuttle buses;
- 20 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying
21 freight and merchandise, or more than eight passengers but not including vanpools or shuttle
22 buses;
- 23 (8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at
24 speeds less than forty miles per hour from field to field or from field to market and return;
- 25 (9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in
26 the sale or exchange of new, used or reconstructed motor vehicles or trailers;
- 27 (10) "Director" or "director of revenue", the director of the department of revenue;
- 28 (11) "Driveaway operation":
- 29 (a) The movement of a motor vehicle or trailer by any person or motor carrier other than
30 a dealer over any public highway, under its own power singly, or in a fixed combination of two
31 or more vehicles, for the purpose of delivery for sale or for delivery either before or after sale;
- 32 (b) The movement of any vehicle or vehicles, not owned by the transporter, constituting
33 the commodity being transported, by a person engaged in the business of furnishing drivers and
34 operators for the purpose of transporting vehicles in transit from one place to another by the
35 driveaway or towaway methods; or
- 36 (c) The movement of a motor vehicle by any person who is lawfully engaged in the
37 business of transporting or delivering vehicles that are not the person's own and vehicles of a
38 type otherwise required to be registered, by the driveaway or towaway methods, from a point of
39 manufacture, assembly or distribution or from the owner of the vehicles to a dealer or sales agent
40 of a manufacturer or to any consignee designated by the shipper or consignor;
- 41 (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth
42 wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor
43 equipped with a dromedary may carry part of a load when operating independently or in a
44 combination with a semitrailer;
- 45 (13) "Farm tractor", a tractor used exclusively for agricultural purposes;
- 46 (14) "Fleet", any group of ten or more motor vehicles owned by the same owner;
- 47 (15) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

48 (16) "Fullmount", a vehicle mounted completely on the frame of either the first or last
49 vehicle in a saddlemount combination;

50 (17) "Gross weight", the weight of vehicle and/or vehicle combination without load, plus
51 the weight of any load thereon;

52 (18) "Hail-damaged vehicle", any vehicle, the body of which has become dented as the
53 result of the impact of hail;

54 (19) "Highway", any public thoroughfare for vehicles, including state roads, county roads
55 and public streets, avenues, boulevards, parkways or alleys in any municipality;

56 (20) "Improved highway", a highway which has been paved with gravel, macadam,
57 concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard, smooth surface;

58 (21) "Intersecting highway", any highway which joins another, whether or not it crosses
59 the same;

60 (22) "Junk vehicle", a vehicle which is incapable of operation or use upon the highways
61 and has no resale value except as a source of parts or scrap, and shall not be titled or registered;

62 (23) "Kit vehicle", a motor vehicle assembled by a person other than a generally
63 recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from
64 an authorized manufacturer and accompanied by a manufacturer's statement of origin;

65 (24) "Land improvement contractors' commercial motor vehicle", any not-for-hire
66 commercial motor vehicle the operation of which is confined to:

67 (a) An area that extends not more than a radius of one hundred miles from its home base
68 of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or
69 from projects involving soil and water conservation, or to and from equipment dealers'
70 maintenance facilities for maintenance purposes; or

71 (b) An area that extends not more than a radius of fifty miles from its home base of
72 operations when transporting its owner's machinery, equipment, or auxiliary supplies to or from
73 projects not involving soil and water conservation. Nothing in this subdivision shall be
74 construed to prevent any motor vehicle from being registered as a commercial motor vehicle or
75 local commercial motor vehicle;

76 (25) "Local commercial motor vehicle", a commercial motor vehicle whose operations
77 are confined solely to a municipality and that area extending not more than fifty miles therefrom,
78 or a commercial motor vehicle whose property-carrying operations are confined solely to the
79 transportation of property owned by any person who is the owner or operator of such vehicle to
80 or from a farm owned by such person or under the person's control by virtue of a landlord and
81 tenant lease; provided that any such property transported to any such farm is for use in the
82 operation of such farm;

83 (26) "Local log truck", a commercial motor vehicle which is registered pursuant to this
84 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
85 state, used to transport harvested forest products, operated solely at a forested site and in an area
86 extending not more than a one hundred-mile radius from such site, carries a load with
87 dimensions not in excess of twenty-five cubic yards per two axles with dual wheels, and when
88 operated on the national system of interstate and defense highways described in Title 23, Section
89 103(e) of the United States Code, such vehicle shall not exceed the weight limits of section
90 304.180, does not have more than four axles, and does not pull a trailer which has more than two
91 axles. Harvesting equipment which is used specifically for cutting, felling, trimming, delimiting,
92 debarking, chipping, skidding, loading, unloading, and stacking may be transported on a local
93 log truck. A local log truck may not exceed the limits required by law, however, if the truck does
94 exceed such limits as determined by the inspecting officer, then notwithstanding any other
95 provisions of law to the contrary, such truck shall be subject to the weight limits required by such
96 sections as licensed for eighty thousand pounds;

97 (27) "Local log truck tractor", a commercial motor vehicle which is registered under this
98 chapter to operate as a motor vehicle on the public highways of this state, used exclusively in this
99 state, used to transport harvested forest products, operated solely at a forested site and in an area
100 extending not more than a one hundred-mile radius from such site, operates with a weight not
101 exceeding twenty-two thousand four hundred pounds on one axle or with a weight not exceeding
102 forty-four thousand eight hundred pounds on any tandem axle, and when operated on the national
103 system of interstate and defense highways described in Title 23, Section 103(e) of the United
104 States Code, such vehicle does not exceed the weight limits contained in section 304.180, and
105 does not have more than three axles and does not pull a trailer which has more than two axles.
106 Violations of axle weight limitations shall be subject to the load limit penalty as described for
107 in sections 304.180 to 304.220;

108 (28) "Local transit bus", a bus whose operations are confined wholly within a municipal
109 corporation, or wholly within a municipal corporation and a commercial zone, as defined in
110 section 390.020, adjacent thereto, forming a part of a public transportation system within such
111 municipal corporation and such municipal corporation and adjacent commercial zone;

112 (29) "Log truck", a vehicle which is not a local log truck or local log truck tractor and
113 is used exclusively to transport harvested forest products to and from forested sites which is
114 registered pursuant to this chapter to operate as a motor vehicle on the public highways of this
115 state for the transportation of harvested forest products;

116 (30) "Major component parts", the rear clip, cowl, frame, body, cab, front-end assembly,
117 and front clip, as those terms are defined by the director of revenue pursuant to rules and
118 regulations or by illustrations;

- 119 (31) "Manufacturer", any person, firm, corporation or association engaged in the
120 business of manufacturing or assembling motor vehicles, trailers or vessels for sale;
- 121 (32) "Mobile scrap processor", a business located in Missouri or any other state that
122 comes onto a salvage site and crushes motor vehicles and parts for transportation to a shredder
123 or scrap metal operator for recycling;
- 124 (33) "Motor change vehicle", a vehicle manufactured prior to August, 1957, which
125 receives a new, rebuilt or used engine, and which used the number stamped on the original
126 engine as the vehicle identification number;
- 127 (34) "Motor vehicle", any self-propelled vehicle not operated exclusively upon tracks,
128 except farm tractors;
- 129 (35) "Motor vehicle primarily for business use", any vehicle other than a recreational
130 motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed for over
131 twelve thousand pounds:
- 132 (a) Offered for hire or lease; or
133 (b) The owner of which also owns ten or more such motor vehicles;
- 134 (36) "Motorcycle", a motor vehicle operated on two wheels;
- 135 (37) "Motorized bicycle", any two-wheeled or three-wheeled device having an automatic
136 transmission and a motor with a cylinder capacity of not more than fifty cubic centimeters, which
137 produces less than three gross brake horsepower, and is capable of propelling the device at a
138 maximum speed of not more than thirty miles per hour on level ground;
- 139 (38) "Motortricycle", a motor vehicle operated on three wheels, including a motorcycle
140 while operated with any conveyance, temporary or otherwise, requiring the use of a third wheel.
141 A motortricycle shall not be included in the definition of all-terrain vehicle;
- 142 (39) "Municipality", any city, town or village, whether incorporated or not;
- 143 (40) "Nonresident", a resident of a state or country other than the state of Missouri;
- 144 (41) "Non-USA-std motor vehicle", a motor vehicle not originally manufactured in
145 compliance with United States emissions or safety standards;
- 146 (42) "Operator", any person who operates or drives a motor vehicle;
- 147 (43) "Owner", any person, firm, corporation or association, who holds the legal title to
148 a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease
149 thereof with the right of purchase upon performance of the conditions stated in the agreement
150 and with an immediate right of possession vested in the conditional vendee or lessee, or in the
151 event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee
152 or mortgagor shall be deemed the owner for the purpose of this law;

153 (44) "Public garage", a place of business where motor vehicles are housed, stored,
154 repaired, reconstructed or repainted for persons other than the owners or operators of such place
155 of business;

156 (45) "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the
157 rebuilder, but does not include certificated common or contract carriers of persons or property;

158 (46) "Reconstructed motor vehicle", a vehicle that is altered from its original
159 construction by the addition or substitution of two or more new or used major component parts,
160 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;

161 (47) "Recreational motor vehicle", any motor vehicle designed, constructed or
162 substantially modified so that it may be used and is used for the purposes of temporary housing
163 quarters, including therein sleeping and eating facilities which are either permanently attached
164 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.
165 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor
166 vehicle if the motor vehicle could otherwise be so registered;

167 (48) "Recreational off-highway vehicle", any motorized vehicle manufactured and used
168 exclusively for off-highway use which is [sixty] **sixty-four** inches or less in width, with an
169 unladen dry weight of [one] **two** thousand [eight hundred fifty] pounds or less, traveling on four
170 or more nonhighway tires, [with a nonstraddle seat, and steering wheel,] which may have access
171 to ATV trails;

172 (49) "Rollback or car carrier", any vehicle specifically designed to transport wrecked,
173 disabled or otherwise inoperable vehicles, when the transportation is directly connected to a
174 wrecker or towing service;

175 (50) "Saddlemount combination", a combination of vehicles in which a truck or truck
176 tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame or fifth
177 wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front axle of
178 the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a fifth
179 wheel kingpin connection. When two vehicles are towed in this manner the combination is
180 called a "double saddlemount combination". When three vehicles are towed in this manner, the
181 combination is called a "triple saddlemount combination";

182 (51) "Salvage dealer and dismantler", a business that dismantles used motor vehicles for
183 the sale of the parts thereof, and buys and sells used motor vehicle parts and accessories;

184 (52) "Salvage vehicle", a motor vehicle, semitrailer, or house trailer which:

185 (a) Was damaged during a year that is no more than six years after the manufacturer's
186 model year designation for such vehicle to the extent that the total cost of repairs to rebuild or
187 reconstruct the vehicle to its condition immediately before it was damaged for legal operation

188 on the roads or highways exceeds eighty percent of the fair market value of the vehicle
189 immediately preceding the time it was damaged;

190 (b) By reason of condition or circumstance, has been declared salvage, either by its
191 owner, or by a person, firm, corporation, or other legal entity exercising the right of security
192 interest in it;

193 (c) Has been declared salvage by an insurance company as a result of settlement of a
194 claim;

195 (d) Ownership of which is evidenced by a salvage title; or

196 (e) Is abandoned property which is titled pursuant to section 304.155 or section 304.157
197 and designated with the words "salvage/abandoned property". The total cost of repairs to rebuild
198 or reconstruct the vehicle shall not include the cost of repairing, replacing, or reinstalling
199 inflatable safety restraints, tires, sound systems, or damage as a result of hail, or any sales tax on
200 parts or materials to rebuild or reconstruct the vehicle. For purposes of this definition, "fair
201 market value" means the retail value of a motor vehicle as:

202 a. Set forth in a current edition of any nationally recognized compilation of retail values,
203 including automated databases, or from publications commonly used by the automotive and
204 insurance industries to establish the values of motor vehicles;

205 b. Determined pursuant to a market survey of comparable vehicles with regard to
206 condition and equipment; and

207 c. Determined by an insurance company using any other procedure recognized by the
208 insurance industry, including market surveys, that is applied by the company in a uniform
209 manner;

210 (53) "School bus", any motor vehicle used solely to transport students to or from school
211 or to transport students to or from any place for educational purposes;

212 (54) "Shuttle bus", a motor vehicle used or maintained by any person, firm, or
213 corporation as an incidental service to transport patrons or customers of the regular business of
214 such person, firm, or corporation to and from the place of business of the person, firm, or
215 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as
216 buses or as commercial motor vehicles;

217 (55) "Special mobile equipment", every self-propelled vehicle not designed or used
218 primarily for the transportation of persons or property and incidentally operated or moved over
219 the highways, including farm equipment, implements of husbandry, road construction or
220 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,
221 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt
222 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,
223 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump

224 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and
225 shall not operate to exclude other such vehicles which are within the general terms of this
226 section;

227 (56) "Specially constructed motor vehicle", a motor vehicle which shall not have been
228 originally constructed under a distinctive name, make, model or type by a manufacturer of motor
229 vehicles. The term specially constructed motor vehicle includes kit vehicles;

230 (57) "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth wheel
231 is located on a drop frame located behind and below the rearmost axle of the power unit;

232 (58) "Tandem axle", a group of two or more axles, arranged one behind another, the
233 distance between the extremes of which is more than forty inches and not more than ninety-six
234 inches apart;

235 (59) "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle designed
236 for drawing other vehicles, but not for the carriage of any load when operating independently.
237 When attached to a semitrailer, it supports a part of the weight thereof;

238 (60) "Trailer", any vehicle without motive power designed for carrying property or
239 passengers on its own structure and for being drawn by a self-propelled vehicle, except those
240 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed
241 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight
242 rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton
243 trailers as defined in subdivision (8) of this section and shall not include manufactured homes
244 as defined in section 700.010;

245 (61) "Truck", a motor vehicle designed, used, or maintained for the transportation of
246 property;

247 (62) "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the two
248 trailing units are connected with a B-train assembly which is a rigid frame extension attached to
249 the rear frame of a first semitrailer which allows for a fifth-wheel connection point for the second
250 semitrailer and has one less articulation point than the conventional A-dolly connected
251 truck-tractor semitrailer-trailer combination;

252 (63) "Truck-trailer boat transporter combination", a boat transporter combination
253 consisting of a straight truck towing a trailer using typically a ball and socket connection with
254 the trailer axle located substantially at the trailer center of gravity rather than the rear of the
255 trailer but so as to maintain a downward force on the trailer tongue;

256 (64) "Used parts dealer", a business that buys and sells used motor vehicle parts or
257 accessories, but not including a business that sells only new, remanufactured or rebuilt parts.

258 "Business" does not include isolated sales at a swap meet of less than three days;

259 (65) "Utility vehicle", any motorized vehicle manufactured and used exclusively for
260 off-highway use which is sixty-three inches or less in width, with an unladen dry weight of one
261 thousand eight hundred fifty pounds or less, traveling on four or six wheels, to be used primarily
262 for landscaping, lawn care, or maintenance purposes;

263 (66) "Vanpool", any van or other motor vehicle used or maintained by any person, group,
264 firm, corporation, association, city, county or state agency, or any member thereof, for the
265 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to
266 and from their place of employment; however, a vanpool shall not be included in the definition
267 of the term bus or commercial motor vehicle as defined by subdivisions (6) and (7) of this
268 section, nor shall a vanpool driver be deemed a chauffeur as that term is defined by section
269 302.010; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational, personal,
270 or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for monetary
271 profit other than for use in a ride-sharing arrangement;

272 (67) "Vehicle", any mechanical device on wheels, designed primarily for use, or used,
273 on highways, except motorized bicycles, vehicles propelled or drawn by horses or human power,
274 or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized wheelchairs
275 operated by handicapped persons;

276 (68) "Wrecker" or "tow truck", any emergency commercial vehicle equipped, designed
277 and used to assist or render aid and transport or tow disabled or wrecked vehicles from a
278 highway, road, street or highway rights-of-way to a point of storage or repair, including towing
279 a replacement vehicle to replace a disabled or wrecked vehicle;

280 (69) "Wrecker or towing service", the act of transporting, towing or recovering with a
281 wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker,
282 tow truck, rollback or car carrier for which the operator directly or indirectly receives
283 compensation or other personal gain.

302.304. 1. The director shall notify by ordinary mail any operator of the point value
2 charged against the operator's record when the record shows four or more points have been
3 accumulated in a twelve-month period.

4 2. In an action to suspend or revoke a license or driving privilege under this section
5 points shall be accumulated on the date of conviction. No case file of any conviction for a
6 driving violation for which points may be assessed pursuant to section 302.302 may be closed
7 until such time as a copy of the record of such conviction is forwarded to the department of
8 revenue.

9 3. The director shall suspend the license and driving privileges of any person whose
10 driving record shows the driver has accumulated eight points in eighteen months, **unless the**

11 **person accumulated the eight points under the provisions of subdivision (8) of subsection**
12 **1 of section 302.302 or subdivision (10) of subsection 1 of section 302.302.**

13 4. The license and driving privilege of any person whose license and driving privilege
14 have been suspended under the provisions of sections 302.010 to 302.540 except those persons
15 whose license and driving privilege have been suspended under the provisions of subdivision (8)
16 of subsection 1 of section 302.302 or has accumulated sufficient points together with a
17 conviction under subdivision (10) of subsection 1 of section 302.302 and who has filed proof of
18 financial responsibility with the department of revenue, in accordance with chapter 303, and is
19 otherwise eligible, shall be reinstated as follows:

20 (1) In the case of an initial suspension, thirty days after the effective date of the
21 suspension;

22 (2) In the case of a second suspension, sixty days after the effective date of the
23 suspension;

24 (3) In the case of the third and subsequent suspensions, ninety days after the effective
25 date of the suspension. Unless proof of financial responsibility is filed with the department of
26 revenue, a suspension shall continue in effect for two years from its effective date.

27 5. The period of suspension of the driver's license and driving privilege of any person
28 under the provisions of subdivision (8) of subsection 1 of section 302.302 or who has
29 accumulated sufficient points together with a conviction under subdivision (10) of subsection
30 1 of section 302.302 shall be thirty days, followed by a sixty-day period of restricted driving
31 privilege as defined in section 302.010, **unless the person agrees to equip his or her vehicle**
32 **with a functioning, certified ignition interlock device, in which case, there shall be no**
33 **period of suspension and the person shall instead have a ninety-day period of restricted**
34 **driving privilege.** Upon completion of such period of restricted driving privilege, upon
35 compliance with other requirements of law and upon filing of proof of financial responsibility
36 with the department of revenue, in accordance with chapter 303, the license and driving privilege
37 shall be reinstated.

38 6. If the person fails to maintain proof of financial responsibility in accordance with
39 chapter 303, the person's driving privilege and license shall be resuspended.

40 7. The director shall revoke the license and driving privilege of any person when the
41 person's driving record shows such person has accumulated twelve points in twelve months or
42 eighteen points in twenty-four months or twenty-four points in thirty-six months. The revocation
43 period of any person whose license and driving privilege have been revoked under the provisions
44 of sections 302.010 to 302.540 and who has filed proof of financial responsibility with the
45 department of revenue in accordance with chapter 303 and is otherwise eligible, shall be
46 terminated by a notice from the director of revenue after one year from the effective date of the

47 revocation. Unless proof of financial responsibility is filed with the department of revenue,
48 except as provided in subsection 2 of section 302.541, the revocation shall remain in effect for
49 a period of two years from its effective date. If the person fails to maintain proof of financial
50 responsibility in accordance with chapter 303, the person's license and driving privilege shall be
51 rerevoked. Any person whose license and driving privilege have been revoked under the
52 provisions of sections 302.010 to 302.540 shall, upon receipt of the notice of termination of the
53 revocation from the director, pass the complete driver examination and apply for a new license
54 before again operating a motor vehicle upon the highways of this state.

55 8. If, prior to conviction for an offense that would require suspension or revocation of
56 a person's license under the provisions of this section, the person's total points accumulated are
57 reduced, pursuant to the provisions of section 302.306, below the number of points required for
58 suspension or revocation pursuant to the provisions of this section, then the person's license shall
59 not be suspended or revoked until the necessary points are again obtained and accumulated.

60 9. If any person shall neglect or refuse to surrender the person's license, as provided
61 herein, the director shall direct the state highway patrol or any peace or police officer to secure
62 possession thereof and return it to the director.

63 10. Upon the issuance of a reinstatement or termination notice after a suspension or
64 revocation of any person's license and driving privilege under the provisions of sections 302.010
65 to 302.540, the accumulated point value shall be reduced to four points, except that the points
66 of any person serving as a member of the armed forces of the United States outside the limits of
67 the United States during a period of suspension or revocation shall be reduced to zero upon the
68 date of the reinstatement or termination of notice. It shall be the responsibility of such member
69 of the armed forces to submit copies of official orders to the director of revenue to substantiate
70 such overseas service. Any other provision of sections 302.010 to 302.540 to the contrary
71 notwithstanding, the effective date of the four points remaining on the record upon reinstatement
72 or termination shall be the date of the reinstatement or termination notice.

73 11. No credit toward reduction of points shall be given during periods of suspension or
74 revocation or any period of driving under a limited driving privilege granted by a court or the
75 director of revenue.

76 12. Any person or nonresident whose license or privilege to operate a motor vehicle in
77 this state has been suspended or revoked under this or any other law shall, before having the
78 license or privilege to operate a motor vehicle reinstated, pay to the director a reinstatement fee
79 of twenty dollars which shall be in addition to all other fees provided by law.

80 13. Notwithstanding any other provision of law to the contrary, if after two years from
81 the effective date of any suspension or revocation issued under this chapter, the person or

82 nonresident has not paid the reinstatement fee of twenty dollars, the director shall reinstate such
83 license or privilege to operate a motor vehicle in this state.

84 14. No person who has had a license to operate a motor vehicle suspended or revoked
85 as a result of an assessment of points for a violation under subdivision (8), (9) or (10) of
86 subsection 1 of section 302.302 shall have that license reinstated until such person has
87 participated in and successfully completed a substance abuse traffic offender program defined
88 in section 302.010, or a program determined to be comparable by the department of mental
89 health. Assignment recommendations, based upon the needs assessment as described in
90 subdivision (22) of section 302.010, shall be delivered in writing to the person with written
91 notice that the person is entitled to have such assignment recommendations reviewed by the court
92 if the person objects to the recommendations. The person may file a motion in the associate
93 division of the circuit court of the county in which such assignment was given, on a printed form
94 provided by the state courts administrator, to have the court hear and determine such motion
95 pursuant to the provisions of chapter 517. The motion shall name the person or entity making
96 the needs assessment as the respondent and a copy of the motion shall be served upon the
97 respondent in any manner allowed by law. Upon hearing the motion, the court may modify or
98 waive any assignment recommendation that the court determines to be unwarranted based upon
99 a review of the needs assessment, the person's driving record, the circumstances surrounding the
100 offense, and the likelihood of the person committing a like offense in the future, except that the
101 court may modify but may not waive the assignment to an education or rehabilitation program
102 of a person determined to be a prior or persistent offender as defined in section 577.023 or of a
103 person determined to have operated a motor vehicle with fifteen-hundredths of one percent or
104 more by weight in such person's blood. Compliance with the court determination of the motion
105 shall satisfy the provisions of this section for the purpose of reinstating such person's license to
106 operate a motor vehicle. The respondent's personal appearance at any hearing conducted
107 pursuant to this subsection shall not be necessary unless directed by the court.

108 15. The fees for the program authorized in subsection 14 of this section, or a portion
109 thereof to be determined by the department of mental health, shall be paid by the person enrolled
110 in the program. Any person who is enrolled in the program shall pay, in addition to any fee
111 charged for the program, a supplemental fee in an amount to be determined by the department
112 of mental health for the purposes of funding the substance abuse traffic offender program defined
113 in section 302.010 and section 577.001 or a program determined to be comparable by the
114 department of mental health. The administrator of the program shall remit to the division of
115 alcohol and drug abuse of the department of mental health on or before the fifteenth day of each
116 month the supplemental fee for all persons enrolled in the program, less two percent for
117 administrative costs. Interest shall be charged on any unpaid balance of the supplemental fees

118 due the division of alcohol and drug abuse pursuant to this section and shall accrue at a rate not
119 to exceed the annual rate established pursuant to the provisions of section 32.065, plus three
120 percentage points. The supplemental fees and any interest received by the department of mental
121 health pursuant to this section shall be deposited in the mental health earnings fund which is
122 created in section 630.053.

123 16. Any administrator who fails to remit to the division of alcohol and drug abuse of the
124 department of mental health the supplemental fees and interest for all persons enrolled in the
125 program pursuant to this section shall be subject to a penalty equal to the amount of interest
126 accrued on the supplemental fees due the division pursuant to this section. If the supplemental
127 fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the
128 department of mental health within six months of the due date, the attorney general of the state
129 of Missouri shall initiate appropriate action of the collection of said fees and interest accrued.
130 The court shall assess attorney fees and court costs against any delinquent program.

131 17. Any person who has had a license to operate a motor vehicle suspended or revoked
132 as a result of an assessment of points for a violation under subdivision (9) of subsection 1 of
133 section 302.302 shall be required to file proof with the director of revenue that any motor vehicle
134 operated by the person is equipped with a functioning, certified ignition interlock device as a
135 required condition of reinstatement of the license. The ignition interlock device shall further be
136 required to be maintained on all motor vehicles operated by the person for a period of not less
137 than six months immediately following the date of reinstatement. If the person fails to maintain
138 such proof with the director, the license shall be resuspended or revoked and the person shall be
139 guilty of a class A misdemeanor.

302.341. 1. If a Missouri resident charged with a moving traffic violation of this state
2 or any county or municipality of this state fails to dispose of the charges of which the resident
3 is accused through authorized prepayment of fine and court costs and fails to appear on the return
4 date or at any subsequent date to which the case has been continued, or without good cause fails
5 to pay any fine or court costs assessed against the resident for any such violation within the
6 period of time specified or in such installments as approved by the court or as otherwise provided
7 by law, any court having jurisdiction over the charges shall within ten days of the failure to
8 comply inform the defendant by ordinary mail at the last address shown on the court records that
9 the court will order the director of revenue to suspend the defendant's driving privileges if the
10 charges are not disposed of and fully paid within thirty days from the date of mailing. Thereafter,
11 if the defendant fails to timely act to dispose of the charges and fully pay any applicable fines and
12 court costs, the court shall notify the director of revenue of such failure and of the pending
13 charges against the defendant. Upon receipt of this notification, the director shall suspend the
14 license of the driver, effective immediately, and provide notice of the suspension to the driver

15 at the last address for the driver shown on the records of the department of revenue. Such
16 suspension shall remain in effect until the court with the subject pending charge requests setting
17 aside the noncompliance suspension pending final disposition, or satisfactory evidence of
18 disposition of pending charges and payment of fine and court costs, if applicable, is furnished
19 to the director by the individual. Upon proof of disposition of charges and payment of fine and
20 court costs, if applicable, and payment of the reinstatement fee as set forth in section 302.304,
21 the director shall return the license and remove the suspension from the individual's driving
22 record **if the individual was not operating a commercial motor vehicle or a commercial**
23 **driver's license holder at the time of the offense.** The filing of financial responsibility with
24 the bureau of safety responsibility, department of revenue, shall not be required as a condition
25 of reinstatement of a driver's license suspended solely under the provisions of this section.

26 2. If any city, town or village receives more than thirty-five percent of its annual general
27 operating revenue from fines and court costs for traffic violations occurring on state highways,
28 all revenues from such violations in excess of thirty-five percent of the annual general operating
29 revenue of the city, town or village shall be sent to the director of the department of revenue and
30 shall be distributed annually to the schools of the county in the same manner that proceeds of all
31 penalties, forfeitures and fines collected for any breach of the penal laws of the state are
32 distributed. For the purpose of this section the words "state highways" shall mean any state or
33 federal highway, including any such highway continuing through the boundaries of a city, town
34 or village with a designated street name other than the state highway number. The director of
35 the department of revenue shall set forth by rule a procedure whereby excess revenues as set
36 forth above shall be sent to the department of revenue. If any city, town, or village disputes a
37 determination that it has received excess revenues required to be sent to the department of
38 revenue, such city, town, or village may submit to an annual audit by the state auditor under the
39 authority of article IV, section 13 of the Missouri Constitution. Any rule or portion of a rule, as
40 that term is defined in section 536.010, that is created under the authority delegated in this
41 section shall become effective only if it complies with and is subject to all of the provisions of
42 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable
43 and if any of the powers vested with the general assembly under chapter 536 to review, to delay
44 the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
45 the grant of rulemaking authority and any rule proposed or adopted after August 28, 2009, shall
46 be invalid and void.

302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform Commercial
2 Driver's License Act".

3 2. When used in sections 302.700 to 302.780, the following words and phrases mean:

- 4 (1) "Alcohol", any substance containing any form of alcohol, including, but not limited
5 to, ethanol, methanol, propanol and isopropanol;
- 6 (2) "Alcohol concentration", the number of grams of alcohol per one hundred milliliters
7 of blood or the number of grams of alcohol per two hundred ten liters of breath or the number
8 of grams of alcohol per sixty-seven milliliters of urine;
- 9 (3) **"CDLIS driver record", the electronic record of the individual commercial
10 driver's status and history stored by the state of record as part of the Commercial Driver's
11 License Information System (CDLIS) established under 49 U.S.C. Section 31309, et seq.;**
- 12 (4) **"CDLIS motor vehicle record (CDLIS MVR)", a report generated from the
13 CDLIS driver record which meets the requirements for access to CDLIS information and
14 is provided by states to users authorized in 49 CFR Part 384, subject to the provisions of
15 the Driver Privacy Protection Act, 18 U.S.C. Sections 2721 to 2725, et seq.;**
- 16 (5) "Commercial driver's instruction permit", a permit issued pursuant to section
17 302.720;
- 18 [(4)] (6) "Commercial driver's license", a license issued by this state to an individual
19 which authorizes the individual to operate a commercial motor vehicle;
- 20 [(5)] (7) **"Commercial driver's license downgrade", occurs when:**
- 21 (a) **A driver changes the self-certification to interstate, but operates exclusively in
22 transportation or operation excepted from 49 CFR Part 391, as provided in 49 CFR Part
23 390.3(f), 391.2, 391.68, or 398.3;**
- 24 (b) **A driver changes the self-certification to intrastate only, if the driver qualifies
25 under the state's physical qualification requirements for intrastate only;**
- 26 (c) **A driver changes the self-certification to intrastate, but operating exclusively in
27 transportation or operations excepted from all or part of the state driver qualification
28 requirements; or**
- 29 (d) **The state removes the commercial driver's license privilege from the driver's
30 license;**
- 31 (8) "Commercial driver's license information system", the information system established
32 pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570)
33 to serve as a clearinghouse for locating information related to the licensing and identification of
34 commercial motor vehicle drivers;
- 35 [(6)] (9) "Commercial motor vehicle", a motor vehicle designed or used to transport
36 passengers or property:
- 37 (a) If the vehicle has a gross combination weight rating of twenty-six thousand one or
38 more pounds inclusive of a towed unit which has a gross vehicle weight rating of ten thousand
39 one pounds or more;

40 (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand one or more
41 pounds or such lesser rating as determined by federal regulation;

42 (c) If the vehicle is designed to transport sixteen or more passengers, including the
43 driver; or

44 (d) If the vehicle is transporting hazardous materials and is required to be placarded
45 under the Hazardous Materials Transportation Act (46 U.S.C. 1801, et seq.);

46 [(7)] (10) "Controlled substance", any substance so classified under Section 102(6) of
47 the Controlled Substances Act (21 U.S.C. 802(6)), and includes all substances listed in schedules
48 I through V of 21 CFR part 1308, as they may be revised from time to time;

49 [(8)] (11) "Conviction", an unvacated adjudication of guilt, including pleas of guilt and
50 nolo contendere, or a determination that a person has violated or failed to comply with the law in
51 a court of original jurisdiction or an authorized administrative proceeding, an unvacated
52 forfeiture of bail or collateral deposited to secure the person's appearance in court, the payment
53 of a fine or court cost, or violation of a condition of release without bail, regardless of whether
54 the penalty is rebated, suspended or prorated, including an offense for failure to appear or pay;

55 [(9)] (12) "Director", the director of revenue or his authorized representative;

56 [(10)] (13) "Disqualification", any of the following three actions:

57 (a) The suspension, revocation, or cancellation of a commercial driver's license;

58 (b) Any withdrawal of a person's privileges to drive a commercial motor vehicle by a
59 state, **Canada, or Mexico** as the result of a violation of federal, state, county, municipal, or local
60 law relating to motor vehicle traffic control or violations committed through the operation of
61 motor vehicles, other than parking, vehicle weight, or vehicle defect violations;

62 (c) A determination by the Federal Motor Carrier Safety Administration that a person
63 is not qualified to operate a commercial motor vehicle under 49 CFR Part 383.52 or Part 391;

64 [(11)] (14) "Drive", to drive, operate or be in physical control of a commercial motor
65 vehicle;

66 [(12)] (15) "Driver", any person who drives, operates, or is in physical control of a
67 motor vehicle, or who is required to hold a commercial driver's license;

68 (16) **"Driver applicant", an individual who applies to obtain, transfer, upgrade, or
69 renew a commercial driver's license in this state;**

70 [(13)] (17) "Driving under the influence of alcohol", the commission of any one or more
71 of the following acts:

72 (a) Driving a commercial motor vehicle with the alcohol concentration of four
73 one-hundredths of a percent or more as prescribed by the secretary or such other alcohol
74 concentration as may be later determined by the secretary by regulation;

75 (b) Driving a commercial or noncommercial motor vehicle while intoxicated in violation
76 of any federal or state law, or in violation of a county or municipal ordinance;

77 (c) Driving a commercial or noncommercial motor vehicle with excessive blood alcohol
78 content in violation of any federal or state law, or in violation of a county or municipal
79 ordinance;

80 (d) Refusing to submit to a chemical test in violation of section 577.041, section
81 302.750, any federal or state law, or a county or municipal ordinance; or

82 (e) Having any state, county or municipal alcohol-related enforcement contact, as defined
83 in subsection 3 of section 302.525; provided that any suspension or revocation pursuant to
84 section 302.505, committed in a noncommercial motor vehicle by an individual twenty-one years
85 of age or older shall have been committed by the person with an alcohol concentration of at least
86 eight-hundredths of one percent or more, or in the case of an individual who is less than
87 twenty-one years of age, shall have been committed by the person with an alcohol concentration
88 of at least two-hundredths of one percent or more, and if committed in a commercial motor
89 vehicle, a concentration of four-hundredths of one percent or more;

90 [(14)] **(18)** "Driving under the influence of a controlled substance", the commission of
91 any one or more of the following acts in a commercial or noncommercial motor vehicle:

92 (a) Driving a commercial or noncommercial motor vehicle while under the influence of
93 any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C.
94 802(6)), including any substance listed in schedules I through V of 21 CFR Part 1308, as they
95 may be revised from time to time;

96 (b) Driving a commercial or noncommercial motor vehicle while in a drugged condition
97 in violation of any federal or state law or in violation of a county or municipal ordinance; or

98 (c) Refusing to submit to a chemical test in violation of section 577.041, section
99 302.750, any federal or state law, or a county or municipal ordinance;

100 [(15)] **(19)** "Employer", any person, including the United States, a state, or a political
101 subdivision of a state, who owns or leases a commercial motor vehicle or assigns a driver to
102 operate such a vehicle;

103 **(20)** "Endorsement", an authorization on an individual's commercial driver's
104 license permitting the individual to operate certain types of commercial motor vehicles;

105 [(16)] **(21)** "Farm vehicle", a commercial motor vehicle controlled and operated by a
106 farmer used exclusively for the transportation of agricultural products, farm machinery, farm
107 supplies, or a combination of these, within one hundred fifty miles of the farm, other than one
108 which requires placarding for hazardous materials as defined in this section, or used in the
109 operation of a common or contract motor carrier, except that a farm vehicle shall not be a
110 commercial motor vehicle when the total combined gross weight rating does not exceed

111 twenty-six thousand one pounds when transporting fertilizers as defined in subdivision [(21)]
112 (27) of this subsection;

113 [(17)] (22) "Fatality", the death of a person as a result of a motor vehicle accident;

114 [(18)] (23) "Felony", any offense under state or federal law that is punishable by death
115 or imprisonment for a term exceeding one year;

116 (24) "Foreign", outside the fifty states of the United States and the District of
117 Columbia;

118 [(19)] (25) "Gross combination weight rating" or "GCWR", the value specified by the
119 manufacturer as the loaded weight of a combination (articulated) vehicle.

120 In the absence of a value specified by the manufacturer, GCWR will be determined by adding
121 the GVWR of the power unit and the total weight of the towed unit and any load thereon;

122 [(20)] (26) "Gross vehicle weight rating" or "GVWR", the value specified by the
123 manufacturer as the loaded weight of a single vehicle;

124 [(21)] (27) "Hazardous materials", any material that has been designated as hazardous
125 under 49 U.S.C. 5103 and is required to be placarded under subpart F of CFR Part 172 or any
126 quantity of a material listed as a select agent or toxin in 42 CFR Part 73. Fertilizers, including
127 but not limited to ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime, potash,
128 motor fuel or special fuel, shall not be considered hazardous materials when transported by a
129 farm vehicle provided all other provisions of this definition are followed;

130 [(22)] (28) "Imminent hazard", the existence of a condition that presents a substantial
131 likelihood that death, serious illness, severe personal injury, or a substantial endangerment to
132 health, property, or the environment may occur before the reasonably foreseeable completion
133 date of a formal proceeding begins to lessen the risk of that death, illness, injury, or
134 endangerment;

135 [(23)] (29) "Issuance", the initial licensure, license transfers, license renewals, and
136 license upgrades;

137 (30) "Medical examiner", a person who is licensed, certified, or registered, in
138 accordance with applicable state laws and regulations, to perform physical examinations.
139 The term includes, but is not limited to, doctors of medicine, doctors of osteopathy,
140 physician assistants, advanced practice nurses, and doctors of chiropractic;

141 (31) "Medical variance", when a driver has received one of the following that
142 allows the driver to be issued a medical certificate:

143 (a) An exemption letter permitting operation of a commercial motor vehicle under
144 49 CFR Part 381, Subpart C or 49 CFR Part 391.64;

145 (b) A skill performance evaluation certificate permitting operation of a commercial
146 motor vehicle under 49 CFR Part 391.49;

147 [(24)] (32) "Motor vehicle", any self-propelled vehicle not operated exclusively upon
148 tracks;

149 [(25)] (33) "Noncommercial motor vehicle", a motor vehicle or combination of motor
150 vehicles not defined by the term "commercial motor vehicle" in this section;

151 [(26)] (34) "Out of service", a temporary prohibition against the operation of a
152 commercial motor vehicle by a particular driver, or the operation of a particular commercial
153 motor vehicle, or the operation of a particular motor carrier;

154 [(27)] (35) "Out-of-service order", a declaration by [the Federal Highway
155 Administration, or any] **an** authorized enforcement officer of a federal, state, [Commonwealth
156 of Puerto Rico,] Canadian, Mexican or any local jurisdiction, that a driver, or a commercial
157 motor vehicle, or a motor carrier operation, is out of service **under 49 CFR Part 386.72, 392.5,**
158 **392.9a, 395.13, or 396.9, or comparable laws, or the North American Standard Out-of-**
159 **Service Criteria;**

160 [(28)] (36) "School bus", a commercial motor vehicle used to transport preprimary,
161 primary, or secondary school students from home to school, from school to home, or to and from
162 school-sponsored events. School bus does not include a bus used as a common carrier as defined
163 by the Secretary;

164 [(29)] (37) "Secretary", the Secretary of Transportation of the United States;

165 [(30)] (38) "Serious traffic violation", driving a commercial motor vehicle in such a
166 manner that the driver receives a conviction for the following offenses or driving a
167 noncommercial motor vehicle when the driver receives a conviction for the following offenses
168 and the conviction results in the suspension or revocation of the driver's license or
169 noncommercial motor vehicle driving privilege:

170 (a) Excessive speeding, as defined by the Secretary by regulation;

171 (b) Careless, reckless or imprudent driving which includes, but shall not be limited to,
172 any violation of section 304.016, any violation of section 304.010, or any other violation of
173 federal or state law, or any county or municipal ordinance while driving a commercial motor
174 vehicle in a willful or wanton disregard for the safety of persons or property, or improper or
175 erratic traffic lane changes, or following the vehicle ahead too closely, but shall not include
176 careless and imprudent driving by excessive speed;

177 (c) A violation of any federal or state law or county or municipal ordinance regulating
178 the operation of motor vehicles arising out of an accident or collision which resulted in death to
179 any person, other than a parking violation;

180 (d) Driving a commercial motor vehicle without obtaining a commercial driver's license
181 in violation of any federal or state or county or municipal ordinance;

182 (e) Driving a commercial motor vehicle without a commercial driver's license in the
183 driver's possession in violation of any federal or state or county or municipal ordinance. Any
184 individual who provides proof to the court which has jurisdiction over the issued citation that the
185 individual held a valid commercial driver's license on the date that the citation was issued shall
186 not be guilty of this offense;

187 (f) Driving a commercial motor vehicle without the proper commercial driver's license
188 class or endorsement for the specific vehicle group being operated or for the passengers or type
189 of cargo being transported in violation of any federal or state law or county or municipal
190 ordinance; or

191 (g) Any other violation of a federal or state law or county or municipal ordinance
192 regulating the operation of motor vehicles, other than a parking violation, as prescribed by the
193 secretary by regulation;

194 [(31)] (39) "State", a state[, territory or possession] of the United States[, the District
195 of Columbia, the Commonwealth of Puerto Rico, Mexico, and any province of Canada];

196 [(32)] (40) "United States", the fifty states and the District of Columbia.

**302.768. 1. Any applicant for a commercial driver's license or commercial driver's
2 instruction permit shall comply with the Federal Motor Carrier Safety Administration
3 application requirements of 49 CFR Part 383.71 by certifying to one of the following
4 applicable statements relating to federal and state driver qualification rules:**

5 (1) **Nonexcepted interstate: Certifies the applicant is a driver operating or
6 expecting to operate in interstate or foreign commerce, or is otherwise subject to and meets
7 requirements of 49 CFR Part 391 and is required to obtain a medical examiner's certificate
8 as defined in 49 CFR Part 391.45;**

9 (2) **Excepted interstate: Certifies the applicant is a driver operating or expecting
10 to operate entirely in interstate commerce that is not subject to Part 391 and is subject to
11 Missouri driver qualifications and not required to obtain a medical examiner's certificate;**

12 (3) **Nonexcepted intrastate: Certifies the applicant is a driver operating only in
13 intrastate commerce and is subject to Missouri driver qualifications;**

14 (4) **Excepted intrastate: Certifies the applicant operates or expects to operate only
15 in intrastate commerce, and engaging only in operations excepted from all parts of the
16 Missouri driver qualification requirements.**

17 **2. Any applicant who cannot meet certification requirements under one of the
18 categories defined in subsection 1 of this section shall be denied issuance of a commercial
19 driver's license or commercial driver's instruction permit.**

20 **3. An applicant certifying to operation in nonexcepted interstate or nonexcepted
21 intrastate commerce shall provide the state with an original or copy of a current medical**

22 examiners certificate or a medical examiners certificate accompanied by a medical variance
23 or waiver. The state shall retain the original or copy of the documentation of physical
24 qualification for a minimum of three years beyond the date the certificate was issued.

25 4. Applicants certifying to operation in nonexcepted interstate commerce or
26 nonexcepted intrastate commerce shall provide an updated medical certificate or variance
27 documents to maintain a certified status during the term of the commercial driver's license
28 or commercial driver's instruction permit in order to retain commercial privileges.

29 5. The director shall post the medical examiners certificate of information, medical
30 variance if applicable, the applicant's self-certification and certification status to the
31 Missouri driver record within ten calendar days and such information will become part
32 of the CDLIS driver record.

33 6. Applicants certifying to operation in nonexcepted interstate commerce or
34 nonexcepted intrastate commerce who fail to provide or maintain a current medical
35 examiners certificate, or if the state has received notice of a medical variance or waiver
36 expiring or being rescinded, the state shall, within ten calendar days, update the driver's
37 medical certification status to "not certified". The state shall notify the driver of the
38 change in certification status and require the driver to annually comply with requirements
39 for a commercial driver's license downgrade within sixty days of the expiration of the
40 applicant certification.

41 7. The department of revenue may, by rule, establish the cost and criteria for
42 submission of updated medical certification status information as required under this
43 section.

44 8. Any person who falsifies any information in an application for or update of
45 medical certification status information for a commercial driver's license shall not be
46 licensed to operate a commercial motor vehicle, or the person's commercial driver's license
47 shall be canceled for a period of one year after the director discovers such falsification.

48 9. The director may promulgate rules and regulations necessary to administer and
49 enforce this section. Any rule or portion of a rule, as that term is defined in section
50 536.010, that is created under the authority delegated in this section shall become effective
51 only if it complies with and is subject to all of the provisions of chapter 536 and, if
52 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of
53 the powers vested with the general assembly pursuant to chapter 536 to review, to delay
54 the effective date, or to disapprove and annul a rule are subsequently held
55 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
56 after August 28, 2011, shall be invalid and void.

306.532. Effective [January 1, 2011] **August 28, 2012**, the certificate of title for a new
2 outboard motor shall designate the year [the outboard motor was manufactured as the "Year
3 Manufactured" and shall further designate the year] the dealer received the new outboard motor
4 from the manufacturer as the "Model Year-NEW" **and the "Year Manufactured" shall reflect**
5 **such date as purchased from manufacturer by dealer. Any new outboard motor purchased**
6 **by a dealer from the manufacturer on or after July first of any year shall be labeled with**
7 **the "Year Manufactured" of the immediately following calendar year unless the**
8 **manufacturer indicates a specific model or program year.**

9 390.020. As used in this chapter, unless the context clearly requires otherwise, the words
10 and terms mean:

11 (1) "Agricultural commodities in bulk", commodities conforming to the meaning of
12 "commodities in bulk" as defined in this section, which are agricultural, horticultural, viticultural
13 or forest products or any other products which are grown or produced on a farm or in a forest,
14 and which have not undergone processing at any time since movement from the farm or forest,
15 or processed or unprocessed grain, feed, feed ingredients, or forest products;

16 (2) "Certificate", a written document authorizing a common carrier to engage in
17 intrastate commerce and issued under the provisions of this chapter;

18 (3) "Charter service", the transportation of a group of persons who, pursuant to a
19 common purpose and at a fixed charge for the vehicle, have acquired the exclusive use of a
20 passenger-carrying motor vehicle to travel together as a group from a point of origin to a
21 specified destination or for a particular itinerary, either agreed upon in advance or modified by
22 the chartering group after having left the place of origin;

23 (4) "Commercial zone", unless otherwise increased pursuant to the provisions of
24 subdivision (4) of section 390.041, any municipality within this state together with that territory
25 either within or without the state of Missouri, extending one mile beyond the corporate limits of
26 such municipality and one additional mile for each fifty thousand inhabitants or portion thereof;
27 however, any commercial zone of a city not within a county shall extend eighteen miles beyond
28 that city's corporate limits and shall also extend throughout any first class charter county which
29 adjoins that zone;

30 (5) "Commodities in bulk", commodities, which are fungible, flowable, capable of being
31 poured or dumped, tendered for transportation unpackaged, incapable of being counted, but are
32 weighed or measured by volume and which conform to the shape of the vehicle transporting
33 them;

34 (6) "Common carrier", any person which holds itself out to the general public to engage
35 in the transportation by motor vehicle of passengers or property for hire or compensation upon
36 the public highways and airlines engaged in intrastate commerce;

37 (7) "Contract carrier", any person under individual contracts or agreements which engage
38 in transportation by motor vehicles of passenger or property for hire or compensation upon the
39 public highways;

40 (8) "Corporate family", a group of corporations consisting of a parent corporation and
41 all subsidiaries in which the parent corporation owns directly or indirectly a one hundred percent
42 interest;

43 (9) "Division", the division of motor carrier and railroad safety of the department of
44 transportation;

45 (10) "Driveaway operator":

46 (a) Any motor carrier who moves any commercial motor vehicle or assembled
47 automobile singly under its own power or in any other combination of two or more vehicles
48 under the power of one of said vehicles upon any public highway for the purpose of delivery for
49 sale or for delivery either before or after sale;

50 (b) A person engaged in the business of furnishing drivers and operators for the purpose
51 of transporting vehicles in transit from one place to another by the driveaway or towaway
52 methods; or

53 (c) A person who is lawfully engaged in the business of transporting or delivering
54 vehicles that are not the person's own and vehicles of a type otherwise required to be registered,
55 by the driveaway or towaway methods, from a point of manufacture, assembly or distribution or
56 from the owner of the vehicles to a dealer or sales agent of a manufacturer or to any consignee
57 designated by the shipper or consignor;

58 (11) "Dump truck", any open-top vehicle, including dump trailers, and those trailers
59 commonly referred to as hopper trailers and/or belly dump trailers, that discharges its load by
60 tipping or opening the body in such a manner that the load is ejected or dumped by gravity but
61 does not include tank or other closed-top vehicles, or vehicles that discharge cargo by means of
62 an auger, conveyor belt, air pressure, pump or other mechanical means;

63 (12) "Household goods", personal effects and property used or to be used in a dwelling
64 when a part of the equipment or supply of such dwelling; new or used furniture; store or office
65 furniture or fixtures; equipment of museums, institutions, hospitals and other establishments; and
66 articles, which because of their unusual nature or value require specialized handling and
67 equipment usually employed in moving household goods;

68 (13) "Interstate commerce", commerce between a point in this state and a point outside
69 this state, or between points outside this state when such commerce moves through this state
70 whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly
71 by any other regulated means of transportation where the commodity does not come to rest or
72 change its identity during the movement;

73 (14) "Intrastate commerce", commerce moving wholly between points within this state,
74 whether such commerce moves wholly by motor vehicle or partly by motor vehicle and partly
75 by any other means of transportation;

76 (15) "Irregular route", the course or line of travel to be used by a motor carrier's vehicle
77 when not restricted to any specific route or routes within the area the motor carrier is authorized
78 to serve;

79 (16) "Less-than-truckload lots", lots of freight, other than a truckload lot, being
80 transported on the motor vehicle at one time;

81 (17) "Mobile home", house trailers, cabin trailers, bungalow trailers, mobile homes and
82 any other transportable building unit designed to be used for residential, commercial, industrial
83 or recreational purposes, including special equipment, wheels, tires, axles, springs, racks,
84 undercarriages and undersupports used or useful in connection with the transportation of mobile
85 homes when transported as part of the transportation of mobile homes;

86 (18) "Motor carrier", any person engaged in the transportation of property or passengers,
87 or both, for compensation or hire, over the public roads of this state by motor vehicle. The term
88 includes both common and contract carriers;

89 (19) "Motor vehicle", any vehicle, truck, truck-tractor, trailer, or semitrailer, motor bus
90 or any self-propelled vehicle used upon the highways of the state in the transportation of property
91 or passengers;

92 (20) "Party", any person admitted as a party to a division proceeding or seeking and
93 entitled as a matter of right to admission to a division proceeding;

94 (21) "Permit", a permit issued under the provisions of this chapter to a contract carrier
95 to engage in intrastate or interstate commerce or to a common carrier to engage in interstate
96 commerce;

97 (22) "Person", any individual or other legal entity, whether such entity is a
98 proprietorship, partnership, corporation, company, association or joint-stock association,
99 including the partners, officers, employees, and agents of the person, as well as any trustees,
100 assignees, receivers, or personal representatives of the person;

101 (23) "Private carrier", any person engaged in the transportation of property or passengers
102 by motor vehicle upon public highways, but not as a common or contract carrier by motor
103 vehicle; and includes any person who transports property by motor vehicle where such
104 transportation is incidental to or in furtherance of his commercial enterprises;

105 (24) "Public highway", every public street, road, highway or thoroughfare of any kind
106 used by the public, whether actually dedicated to the public;

107 (25) "Regular route", a specific and determined course to be traveled by a motor carrier's
108 vehicle rendering service to, from or between various points or localities in this state;

109 (26) "School bus", any motor vehicle while being used solely to transport students to or
110 from school or to transport students to or from any place for educational purposes or school
111 purposes;

112 (27) "Taxicab", any motor vehicle performing a bona fide for-hire taxicab service having
113 a capacity of not more than five passengers, exclusive of the driver, and not operated on a regular
114 route or between fixed termini;

115 (28) "Truckload lot", a lot or lots of freight tendered to a carrier by one consignor or one
116 consignee for delivery at the direction of the consignor or consignee with the lot or lots being the
117 only lot or lots transported on the motor vehicle at any one time.

577.023. 1. For purposes of this section, unless the context clearly indicates otherwise:

2 (1) An "aggravated offender" is a person who:

3 (a) Has pleaded guilty to or has been found guilty of three or more intoxication-related
4 traffic offenses; or

5 (b) Has pleaded guilty to or has been found guilty of one or more intoxication-related
6 traffic offense and, in addition, any of the following: involuntary manslaughter under
7 subdivision (2) or (3) of subsection 1 of section 565.024; murder in the second degree under
8 section 565.021, where the underlying felony is an intoxication-related traffic offense; or assault
9 in the second degree under subdivision (4) of subsection 1 of section 565.060; or assault of a law
10 enforcement officer in the second degree under subdivision (4) of subsection 1 of section
11 565.082;

12 (2) A "chronic offender" is:

13 (a) A person who has pleaded guilty to or has been found guilty of four or more
14 intoxication-related traffic offenses; or

15 (b) A person who has pleaded guilty to or has been found guilty of, on two or more
16 separate occasions, any combination of the following: involuntary manslaughter under
17 subdivision (2) or (3) of subsection 1 of section 565.024; murder in the second degree under
18 section 565.021, where the underlying felony is an intoxication-related traffic offense; assault
19 in the second degree under subdivision (4) of subsection 1 of section 565.060; or assault of a law
20 enforcement officer in the second degree under subdivision (4) of subsection 1 of section
21 565.082; or

22 (c) A person who has pleaded guilty to or has been found guilty of two or more
23 intoxication-related traffic offenses and, in addition, any of the following: involuntary
24 manslaughter under subdivision (2) or (3) of subsection 1 of section 565.024; murder in the
25 second degree under section 565.021, where the underlying felony is an intoxication-related
26 traffic offense; assault in the second degree under subdivision (4) of subsection 1 of section

27 565.060; or assault of a law enforcement officer in the second degree under subdivision (4) of
28 subsection 1 of section 565.082;

29 (3) "Continuous alcohol monitoring", automatically testing breath, blood, or transdermal
30 alcohol concentration levels and tampering attempts at least once every hour, regardless of the
31 location of the person who is being monitored, and regularly transmitting the data. Continuous
32 alcohol monitoring shall be considered an electronic monitoring service under subsection 3 of
33 section 217.690;

34 (4) An "intoxication-related traffic offense" is driving while intoxicated, driving with
35 excessive blood alcohol content, involuntary manslaughter pursuant to subdivision (2) or (3) of
36 subsection 1 of section 565.024, murder in the second degree under section 565.021, where the
37 underlying felony is an intoxication-related traffic offense, assault in the second degree pursuant
38 to subdivision (4) of subsection 1 of section 565.060, assault of a law enforcement officer in the
39 second degree pursuant to subdivision (4) of subsection 1 of section 565.082, or driving under
40 the influence of alcohol or drugs in violation of state law or a county or municipal ordinance;

41 (5) A "persistent offender" is one of the following:

42 (a) A person who has pleaded guilty to or has been found guilty of two or more
43 intoxication-related traffic offenses;

44 (b) A person who has pleaded guilty to or has been found guilty of involuntary
45 manslaughter pursuant to subdivision (2) or (3) of subsection 1 of section 565.024, assault in the
46 second degree pursuant to subdivision (4) of subsection 1 of section 565.060, assault of a law
47 enforcement officer in the second degree pursuant to subdivision (4) of subsection 1 of section
48 565.082; and

49 (6) A "prior offender" is a person who has pleaded guilty to or has been found guilty of
50 one intoxication-related traffic offense, where such prior offense occurred within five years of
51 the occurrence of the intoxication-related traffic offense for which the person is charged.

52 2. Any person who pleads guilty to or is found guilty of a violation of section 577.010
53 or 577.012 who is alleged and proved to be a prior offender shall be guilty of a class A
54 misdemeanor.

55 3. Any person who pleads guilty to or is found guilty of a violation of section 577.010
56 or 577.012 who is alleged and proved to be a persistent offender shall be guilty of a class D
57 felony.

58 4. Any person who pleads guilty to or is found guilty of a violation of section 577.010
59 or section 577.012 who is alleged and proved to be an aggravated offender shall be guilty of a
60 class C felony.

61 5. Any person who pleads guilty to or is found guilty of a violation of section 577.010
62 or section 577.012 who is alleged and proved to be a chronic offender shall be guilty of a class
63 B felony.

64 6. No state, county, or municipal court shall suspend the imposition of sentence as to a
65 prior offender, persistent offender, aggravated offender, or chronic offender under this section
66 nor sentence such person to pay a fine in lieu of a term of imprisonment, section 557.011 to the
67 contrary notwithstanding.

68 (1) No prior offender shall be eligible for parole or probation until he or she has served
69 a minimum of ten days imprisonment:

70 (a) Unless as a condition of such parole or probation such person performs at least thirty
71 days involving at least two hundred forty hours of community service under the supervision of
72 the court in those jurisdictions which have a recognized program for community service; or

73 (b) The offender participates in and successfully completes a program established
74 pursuant to section 478.007 or other court-ordered treatment program, if available, **and as part**
75 **of either program, the offender performs at least thirty days of community service under**
76 **the supervision of the court.**

77 (2) No persistent offender shall be eligible for parole or probation until he or she has
78 served a minimum of thirty days imprisonment:

79 (a) Unless as a condition of such parole or probation such person performs at least sixty
80 days involving at least four hundred eighty hours of community service under the supervision
81 of the court; or

82 (b) The offender participates in and successfully completes a program established
83 pursuant to section 478.007 or other court-ordered treatment program, if available, **and as part**
84 **of either program, the offender performs at least sixty days of community service under**
85 **the supervision of the court.**

86 (3) No aggravated offender shall be eligible for parole or probation until he or she has
87 served a minimum of sixty days imprisonment.

88 (4) No chronic offender shall be eligible for parole or probation until he or she has
89 served a minimum of two years imprisonment. In addition to any other terms or conditions of
90 probation, the court shall consider, as a condition of probation for any person who pleads guilty
91 to or is found guilty of an intoxication-related traffic offense, requiring the offender to abstain
92 from consuming or using alcohol or any products containing alcohol as demonstrated by
93 continuous alcohol monitoring or by verifiable breath alcohol testing performed a minimum of
94 four times per day as scheduled by the court for such duration as determined by the court, but not
95 less than ninety days. The court may, in addition to imposing any other fine, costs, or

96 assessments provided by law, require the offender to bear any costs associated with continuous
97 alcohol monitoring or verifiable breath alcohol testing.

98 7. The state, county, or municipal court shall find the defendant to be a prior offender,
99 persistent offender, aggravated offender, or chronic offender if:

100 (1) The indictment or information, original or amended, or the information in lieu of an
101 indictment pleads all essential facts warranting a finding that the defendant is a prior offender
102 or persistent offender; and

103 (2) Evidence is introduced that establishes sufficient facts pleaded to warrant a finding
104 beyond a reasonable doubt the defendant is a prior offender, persistent offender, aggravated
105 offender, or chronic offender; and

106 (3) The court makes findings of fact that warrant a finding beyond a reasonable doubt
107 by the court that the defendant is a prior offender, persistent offender, aggravated offender, or
108 chronic offender.

109 8. In a jury trial, the facts shall be pleaded, established and found prior to submission to
110 the jury outside of its hearing.

111 9. In a trial without a jury or upon a plea of guilty, the court may defer the proof in
112 findings of such facts to a later time, but prior to sentencing.

113 10. The defendant shall be accorded full rights of confrontation and cross-examination,
114 with the opportunity to present evidence, at such hearings.

115 11. The defendant may waive proof of the facts alleged.

116 12. Nothing in this section shall prevent the use of presentence investigations or
117 commitments.

118 13. At the sentencing hearing both the state, county, or municipality and the defendant
119 shall be permitted to present additional information bearing on the issue of sentence.

120 14. The pleas or findings of guilt shall be prior to the date of commission of the present
121 offense.

122 15. The court shall not instruct the jury as to the range of punishment or allow the jury,
123 upon a finding of guilt, to assess and declare the punishment as part of its verdict in cases of
124 prior offenders, persistent offenders, aggravated offenders, or chronic offenders.

125 16. Evidence of a prior conviction, plea of guilty, or finding of guilt in an
126 intoxication-related traffic offense shall be heard and determined by the trial court out of the
127 hearing of the jury prior to the submission of the case to the jury, and shall include but not be
128 limited to evidence received by a search of the records of the Missouri uniform law enforcement
129 system, including criminal history records from the central repository or records from the driving
130 while intoxicated tracking system (DWITS) maintained by the Missouri state highway patrol, or
131 the certified driving record maintained by the Missouri department of revenue. After hearing the

132 evidence, the court shall enter its findings thereon. A plea of guilty or a finding of guilt followed
133 by incarceration, a fine, a suspended imposition of sentence, suspended execution of sentence,
134 probation or parole or any combination thereof in any intoxication-related traffic offense in a
135 state, county or municipal court or any combination thereof, shall be treated as a prior plea of
136 guilty or finding of guilt for purposes of this section.

577.041. 1. If a person under arrest, or who has been stopped pursuant to subdivision
2 (2) or (3) of subsection 1 of section 577.020, refuses upon the request of the officer to submit to
3 any test allowed pursuant to section 577.020, then evidence of the refusal shall be admissible in
4 a proceeding pursuant to section 565.024, 565.060, or 565.082, or section 577.010 or 577.012.
5 The request of the officer shall include the reasons of the officer for requesting the person to
6 submit to a test and also shall inform the person that evidence of refusal to take the test may be
7 used against such person and that the person's license shall be immediately revoked upon refusal
8 to take the test. If a person when requested to submit to any test allowed pursuant to section
9 577.020 requests to speak to an attorney, the person shall be granted twenty minutes in which
10 to attempt to contact an attorney. If upon the completion of the twenty-minute period the person
11 continues to refuse to submit to any test, it shall be deemed a refusal. In this event, the officer
12 shall, on behalf of the director of revenue, serve the notice of license revocation personally upon
13 the person and shall take possession of any license to operate a motor vehicle issued by this state
14 which is held by that person. The officer shall issue a temporary permit, on behalf of the director
15 of revenue, which is valid for fifteen days and shall also give the person a notice of such person's
16 right to file a petition for review to contest the license revocation.

17 2. The officer shall make a certified report under penalties of perjury for making a false
18 statement to a public official. The report shall be forwarded to the director of revenue and shall
19 include the following:

20 (1) That the officer has:

21 (a) Reasonable grounds to believe that the arrested person was driving a motor vehicle
22 while in an intoxicated or drugged condition; or

23 (b) Reasonable grounds to believe that the person stopped, being under the age of
24 twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths
25 of one percent or more by weight; or

26 (c) Reasonable grounds to believe that the person stopped, being under the age of
27 twenty-one years, was committing a violation of the traffic laws of the state, or political
28 subdivision of the state, and such officer has reasonable grounds to believe, after making such
29 stop, that the person had a blood alcohol content of two-hundredths of one percent or greater;

30 (2) That the person refused to submit to a chemical test;

31 (3) Whether the officer secured the license to operate a motor vehicle of the person;

32 (4) Whether the officer issued a fifteen-day temporary permit;

33 (5) Copies of the notice of revocation, the fifteen-day temporary permit and the notice
34 of the right to file a petition for review, which notices and permit may be combined in one
35 document; and

36 (6) Any license to operate a motor vehicle which the officer has taken into possession.

37 3. Upon receipt of the officer's report, the director shall revoke the license of the person
38 refusing to take the test for a period of one year; or if the person is a nonresident, such person's
39 operating permit or privilege shall be revoked for one year; or if the person is a resident without
40 a license or permit to operate a motor vehicle in this state, an order shall be issued denying the
41 person the issuance of a license or permit for a period of one year.

42 4. If a person's license has been revoked because of the person's refusal to submit to a
43 chemical test, such person may petition for a hearing before a circuit division or associate
44 division of the court in the county in which the arrest or stop occurred. The person may request
45 such court to issue an order staying the revocation until such time as the petition for review can
46 be heard. If the court, in its discretion, grants such stay, it shall enter the order upon a form
47 prescribed by the director of revenue and shall send a copy of such order to the director. Such
48 order shall serve as proof of the privilege to operate a motor vehicle in this state and the director
49 shall maintain possession of the person's license to operate a motor vehicle until termination of
50 any revocation pursuant to this section. Upon the person's request the clerk of the court shall
51 notify the prosecuting attorney of the county and the prosecutor shall appear at the hearing on
52 behalf of the director of revenue. At the hearing the court shall determine only:

53 (1) Whether or not the person was arrested or stopped;

54 (2) Whether or not the officer had:

55 (a) Reasonable grounds to believe that the person was driving a motor vehicle while in
56 an intoxicated or drugged condition; or

57 (b) Reasonable grounds to believe that the person stopped, being under the age of
58 twenty-one years, was driving a motor vehicle with a blood alcohol content of two-hundredths
59 of one percent or more by weight; or

60 (c) Reasonable grounds to believe that the person stopped, being under the age of
61 twenty-one years, was committing a violation of the traffic laws of the state, or political
62 subdivision of the state, and such officer had reasonable grounds to believe, after making such
63 stop, that the person had a blood alcohol content of two-hundredths of one percent or greater; and

64 (3) Whether or not the person refused to submit to the test.

65 5. If the court determines any issue not to be in the affirmative, the court shall order the
66 director to reinstate the license or permit to drive.

67 6. Requests for review as provided in this section shall go to the head of the docket of
68 the court wherein filed.

69 7. No person who has had a license to operate a motor vehicle suspended or revoked
70 pursuant to the provisions of this section shall have that license reinstated until such person has
71 participated in and successfully completed a substance abuse traffic offender program defined
72 in section 577.001, or a program determined to be comparable by the department of mental
73 health or the court. Assignment recommendations, based upon the needs assessment as
74 described in subdivision (23) of section 302.010, shall be delivered in writing to the person with
75 written notice that the person is entitled to have such assignment recommendations reviewed by
76 the court if the person objects to the recommendations. The person may file a motion in the
77 associate division of the circuit court of the county in which such assignment was given, on a
78 printed form provided by the state courts administrator, to have the court hear and determine
79 such motion pursuant to the provisions of chapter 517. The motion shall name the person or
80 entity making the needs assessment as the respondent and a copy of the motion shall be served
81 upon the respondent in any manner allowed by law. Upon hearing the motion, the court may
82 modify or waive any assignment recommendation that the court determines to be unwarranted
83 based upon a review of the needs assessment, the person's driving record, the circumstances
84 surrounding the offense, and the likelihood of the person committing a like offense in the future,
85 except that the court may modify but may not waive the assignment to an education or
86 rehabilitation program of a person determined to be a prior or persistent offender as defined in
87 section 577.023, or of a person determined to have operated a motor vehicle with
88 fifteen-hundredths of one percent or more by weight in such person's blood. Compliance with
89 the court determination of the motion shall satisfy the provisions of this section for the purpose
90 of reinstating such person's license to operate a motor vehicle. The respondent's personal
91 appearance at any hearing conducted pursuant to this subsection shall not be necessary unless
92 directed by the court.

93 8. The fees for the substance abuse traffic offender program, or a portion thereof to be
94 determined by the division of alcohol and drug abuse of the department of mental health, shall
95 be paid by the person enrolled in the program. Any person who is enrolled in the program shall
96 pay, in addition to any fee charged for the program, a supplemental fee to be determined by the
97 department of mental health for the purposes of funding the substance abuse traffic offender
98 program defined in section 302.010 and section 577.001. The administrator of the program shall
99 remit to the division of alcohol and drug abuse of the department of mental health on or before
100 the fifteenth day of each month the supplemental fee for all persons enrolled in the program, less
101 two percent for administrative costs. Interest shall be charged on any unpaid balance of the
102 supplemental fees due the division of alcohol and drug abuse pursuant to this section and shall

103 accrue at a rate not to exceed the annual rates established pursuant to the provisions of section
104 32.065, plus three percentage points. The supplemental fees and any interest received by the
105 department of mental health pursuant to this section shall be deposited in the mental health
106 earnings fund which is created in section 630.053.

107 9. Any administrator who fails to remit to the division of alcohol and drug abuse of the
108 department of mental health the supplemental fees and interest for all persons enrolled in the
109 program pursuant to this section shall be subject to a penalty equal to the amount of interest
110 accrued on the supplemental fees due the division pursuant to this section. If the supplemental
111 fees, interest, and penalties are not remitted to the division of alcohol and drug abuse of the
112 department of mental health within six months of the due date, the attorney general of the state
113 of Missouri shall initiate appropriate action of the collection of said fees and interest accrued.
114 The court shall assess attorney fees and court costs against any delinquent program.

115 10. Any person who has had a license to operate a motor vehicle revoked [more than
116 once] for violation of the provisions of this section shall be required to file proof with the
117 director of revenue that any motor vehicle operated by the person is equipped with a functioning,
118 certified ignition interlock device as a required condition of license reinstatement. Such ignition
119 interlock device shall further be required to be maintained on all motor vehicles operated by the
120 person for a period of not less than [six months] **one year** immediately following the date of
121 reinstatement. If the person fails to maintain such proof with the director as required by this
122 section, the license shall be rerevoked and the person shall be guilty of a class A misdemeanor.

123 11. The revocation period of any person whose license and driving privilege has been
124 revoked under this section and who has filed proof of financial responsibility with the
125 department of revenue in accordance with chapter 303 and is otherwise eligible, shall be
126 terminated by a notice from the director of revenue after one year from the effective date of the
127 revocation. Unless proof of financial responsibility is filed with the department of revenue, the
128 revocation shall remain in effect for a period of two years from its effective date. If the person
129 fails to maintain proof of financial responsibility in accordance with chapter 303, the person's
130 license and driving privilege shall be rerevoked and the person shall be guilty of a class A
131 misdemeanor.

577.600. 1. In addition to any other provisions of law, a court [may] **shall** require that
2 any person who is found guilty of or pleads guilty to [a first] **an** intoxication-related traffic
3 offense, as defined in section 577.023, [and a court shall require that any person who is found
4 guilty of or pleads guilty to a second or subsequent intoxication-related traffic offense, as defined
5 in section 577.023,] shall not operate any motor vehicle unless that vehicle is equipped with a
6 functioning, certified ignition interlock device for a period of:

7 **(1) Not less than [six months] ninety days** from the date of reinstatement of the person's
8 driver's license **if the person is found guilty of or pleads guilty to a first intoxication-related**
9 **traffic offense;**

10 **(2) Not less than one year from the date of reinstatement of the person's driver's**
11 **license if the [**. In addition, any court authorized to grant a limited driving privilege under
12 section 302.309 to any] person [who] is found guilty of or pleads guilty to a second [or
13 subsequent] intoxication-related traffic offense [shall require the use of an ignition interlock
14 device on all vehicles operated by the person as a required condition of the limited driving
15 privilege. These requirements shall be in addition to any other provisions of this chapter or
16 chapter 302 requiring installation and maintenance of an ignition interlock device.] ;

17 **(3) Not less than five years from the date of reinstatement of the person's driver's**
18 **license if the person is found guilty of or pleads guilty to a third or fourth intoxication-**
19 **related traffic offense; and**

20 **(4) The duration of the person's life if the person is found guilty of or pleads guilty**
21 **to a fifth intoxication-related traffic offense. However, the person is eligible to have his or**
22 **her restriction reviewed by the department of revenue after operating a motor vehicle**
23 **equipped with a functioning, certified ignition interlock device for five years. If the**
24 **department has determined that the person has met all compliance requirements and**
25 **should have his or her regular driver's license reinstated, the department shall reissue the**
26 **regular driver's license.** Any person required to use an ignition interlock device, either under
27 the provisions of this chapter or chapter 302, shall comply with such requirement subject to the
28 penalties provided by this section.

29 **2. Any person required to use an ignition interlock device pursuant to subdivisions**
30 **(3) and (4) of subsection 1 of this section shall install an ignition interlock device that has**
31 **photo identification technology and global positioning system features.**

32 **3.** No person shall knowingly rent, lease or lend a motor vehicle to a person known to
33 have had that person's driving privilege restricted as provided in subsection 1 of this section,
34 unless the vehicle is equipped with a functioning, certified ignition interlock device. Any person
35 whose driving privilege is restricted as provided in subsection 1 of this section shall notify any
36 other person who rents, leases or loans a motor vehicle to that person of the driving restriction
37 imposed pursuant to this section.

38 **[3.] 4.** Any person convicted of a violation of this section shall be guilty of a class A
39 misdemeanor.

40 **5. Notwithstanding any other provision of law to the contrary, no person who has**
41 **had installed an approved ignition interlock device under section 577.600, maintains such**
42 **device and does not tamper with said device and shall have applied for a special driver's**

43 **license as provided for in subsection 2 of section 577.606 shall not have their driving**
44 **privileges suspended or revoked as a result of an alcohol related offense or the refusal to**
45 **take a test under section 577.020 by any court or administrative agency.**

577.606. **1.** The court shall send the order to the department of revenue in all cases
2 where the driving privilege of a person is restricted pursuant to section 577.600. The order shall
3 contain the requirement for, and the period of, the use of a certified ignition interlock device
4 under sections 577.600 to 577.614. The records of the department of revenue shall contain a
5 record reflecting mandatory use of the device.

2. In addition to the requirements of subsection 1 of this section, the department
7 **of revenue shall also issue to any person required to use an ignition interlock device, a**
8 **special driver's license signifying that the driver must not operate a vehicle that does not**
9 **contain an ignition interlock device. Costs associated with the issuance of the special**
10 **license may be assessed to the individual, not to exceed fifty dollars, as well as any costs**
11 **associated with the reissuance of the person's regular driver's license, as determined by the**
12 **department, not to exceed an additional fifty dollars.**

3. Any person required to receive a special license, as described in subsection 2 of
14 **this section, shall be required to have such license for the duration of the restricted driving**
15 **period, and until such person maintains a period of ninety days without the ignition**
16 **interlock device registering a level of alcohol above the level set on the device by the**
17 **department of revenue, and with no reports of confirmed tampering or circumventions.**
18 **If the monthly monitoring reports show that the person has any confirmed alcohol**
19 **readings or has tampered with the device, the restriction shall be extended for a period of**
20 **ninety days until there is a continuous, violation-free, ninety day period in which case the**
21 **person's regular driver's license shall be reissued.**

Section B. The repeal and reenactment of section 302.700 and the enactment of section
2 302.768 of this act shall become effective on the date the director of the department of revenue
3 begins accepting commercial driver license medical certifications under sections 302.700 and
4 302.768, or on May 1, 2013, whichever occurs first. If the director of revenue begins accepting
5 commercial driver license medical certifications under sections 302.700 and 302.768 prior to
6 May 1, 2013, the director of the department of revenue shall notify the revisor of statutes of such
7 fact.

✓